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

Thursday, December 10, 2015  
9:00 a.m.

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

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

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A P P E A R A N C E S

Board Members Present:

Mark Zane, Chairman (Las Vegas)  
Jim Colbert (Carson City)  
Raymond Flynn (Las Vegas)  
Peter Maheu (Las Vegas)  
Jim Nadeau (Carson City)

Also: Kevin Ingram (Las Vegas)  
Executive Director

Raelene Palmer (Las Vegas)  
Deputy Attorney General  
Board Counsel/Prosecutor

Sarah Bradley (Carson City)  
Deputy Attorney General  
Board Counsel

Jason Harris (Las Vegas)  
Investigator

Lori Irizarry (Las Vegas)  
Compliance Investigator

James Batchelor (Las Vegas)  
Compliance Investigator

Matthew Schmelzer (Carson City)  
Investigator

Mary Klemme (Carson City)  
Investigative Assistant

(continued...)

1 (...continuation)

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3 Other Participants:

4           Dontrell Cantrell (Las Vegas)  
5           Dustin Porter (Las Vegas)  
6           Dwight Williams (Las Vegas)  
7           Joshua Pope (Las Vegas)  
8           Stephen Lewis, Esq. (Las Vegas)  
9           Susan Davis (Las Vegas)  
10          Anna Anderson (Las Vegas)  
11          Esther Graciolett (Las Vegas)  
12          J. Robert Smith, Esq.  
13          Mahmoud Hendi  
14          Mike Spriggs (Las Vegas)  
15          Mike Chinn (Las Vegas)

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1 CARSON CITY, NEVADA, THURSDAY, DECEMBER 10, 2015,

2 9:02 A.M.

3 -oOo-

4 BOARD CHAIRMAN ZANE: Good morning. The second  
5 day of the quarterly meeting for the Private  
6 Investigator's Licensing Board is now in session.

7 We'll have a roll call of Board members,  
8 please.

9 MR. INGRAM: Yes, sir. Thank you,  
10 Mr. Chairman.

11 Board Member Colbert?

12 BOARD MEMBER COLBERT: Here.

13 MR. INGRAM: Board Member Flynn?

14 BOARD MEMBER FLYNN: Here.

15 MR. INGRAM: Board Member Maheu?

16 BOARD MEMBER MAHEU: Here.

17 MR. INGRAM: Board Member Nadeau?

18 BOARD MEMBER NADEAU: Here.

19 MR. INGRAM: And Chairman Zane?

20 BOARD CHAIRMAN ZANE: Here.

21 At the beginning and end of the agenda, we  
22 allow for public comment regarding items that the public  
23 would like to bring to our attention. We have the  
24 ability to limit the comment as to time but not  
25 necessarily as to content. It's specified in the

1 agenda. And there's an agenda over there on the table  
2 if you didn't get one.

3 So if somebody has a comment about something  
4 that they'd like the Board to hear, now would be the  
5 time, or at the end of the meeting there'll be another  
6 opportunity. Any --

7 MS. PALMER: Please, Mr. Chairman?

8 BOARD CHAIRMAN ZANE: Yes.

9 MS. PALMER: There is another comment that you  
10 need to make regarding public comment.

11 MR. INGRAM: This one down here.

12 BOARD CHAIRMAN ZANE: In addition to public  
13 comment taken at the beginning and the end of the  
14 meeting, public comment may be accepted after each  
15 agenda item prior to the Board taking action. However,  
16 prior to the commencement and conclusion of a contested  
17 case or a quasi-judicial proceeding that may affect the  
18 due process rights of an individual, the Board will not  
19 consider public comment, pursuant to NRS 233B.126.

20 MS. PALMER: And would you write down, tell me  
21 what those items are on the agenda, so that nobody's  
22 speaking on those items, it's determined.

23 BOARD CHAIRMAN ZANE: That would be item number  
24 11, item number 12, item number 14.

25 MS. PALMER: That's it.

1 BOARD CHAIRMAN ZANE: That's it?

2 MS. PALMER: Yeah.

3 BOARD CHAIRMAN ZANE: Okay. Is there any  
4 public comment in Carson City?

5 BOARD MEMBER NADEAU: Doesn't appear to be.

6 BOARD CHAIRMAN ZANE: Thank you.

7 Any public comment in Las Vegas?

8 Please come forward.

9 Could you walk over here, please. That's a  
10 microphone there on the center of the table. And could  
11 you tell us if you're wanting to speak on an item that's  
12 on the agenda.

13 MR. CANTRELL: Yes. My name is Dontrell  
14 Cantrell. I've never --

15 BOARD MEMBER MAHEU: Have we sworn the  
16 witnesses in?

17 BOARD CHAIRMAN ZANE: Pardon?

18 BOARD MEMBER MAHEU: Have we sworn the  
19 witnesses in?

20 MR. INGRAM: No.

21 BOARD CHAIRMAN ZANE: Not yet. But public  
22 comment, it wouldn't be required.

23 MR. CANTRELL: I received an e-mail saying that  
24 I had an appeal for my registration. And I wanted to  
25 come and ask, because my name isn't on this list.



1 BOARD CHAIRMAN ZANE: Okay. We will have  
2 somebody from staff address it with you, because I don't  
3 know the answer. But somebody will attend to you in --  
4 within a --

5 MR. CANTRELL: Thank you.

6 BOARD CHAIRMAN ZANE: -- half an hour or so.

7 MR. CANTRELL: All right. Thank you.

8 BOARD CHAIRMAN ZANE: All right. Thank you.

9 Appreciate it.

10 Any other public comment?

11 Seeing none, we will move on to agenda item  
12 number three, all applicants and witnesses to be sworn  
13 in.

14 If you intend to give testimony on anything on  
15 the agenda today, you're required to do so under oath.  
16 So if you'd stand and raise your right hand and take the  
17 oath from the deputy attorney general.

18 MS. PALMER: Oh. Mr. Chairman, on those  
19 contested matters --

20 BOARD CHAIRMAN ZANE: Yes.

21 MS. PALMER: -- we'll do the swearing in at the  
22 time of those proceedings. I won't be the one to swear  
23 them in.

24 BOARD CHAIRMAN ZANE: Okay.

25 MS. PALMER: I'm actually prosecuting. So

1 somebody else will have to do the swearing in.

2 So those items that have already been  
3 identified, which were items are 11, 12 and 14, if you  
4 would be testifying on those matters, wait and you'll be  
5 sworn in at that time. All the other matters, now would  
6 be the time for you to be sworn in.

7 Do you solemnly affirm that the truth you --  
8 that the testimony you shall give today shall be the  
9 truth, the whole truth and nothing but the truth?

10 (Potential witnesses were sworn.)

11 MS. PALMER: Let the record reflect that the  
12 witnesses have been sworn in.

13 BOARD CHAIRMAN ZANE: Thank you.

14 Any agenda items carried over from yesterday?

15 MR. INGRAM: No, sir.

16 BOARD CHAIRMAN ZANE: I don't believe so. All  
17 right.

18 Number five, we have a registration appeal  
19 hearing. Dustin Porter?

20 MR. PORTER: Here.

21 BOARD CHAIRMAN ZANE: Come forward, please.

22 Have a chair. Try to speak as clear and as  
23 loud as you can, so that the lady there and taking down  
24 all of the information can type what you say.

25 MR. PORTER: Okay. Should I sit down or?

1 BOARD CHAIRMAN ZANE: You can stand up if you  
2 want but sit down if you'd like.

3 MR. PORTER: Okay. And I'm just supposed to  
4 start from -- excuse me.

5 BOARD CHAIRMAN ZANE: Apparently, your  
6 registration was denied, and you want us -- or on  
7 appeal, that denial?

8 MR. PORTER: Yes.

9 BOARD CHAIRMAN ZANE: Okay.

10 MR. PORTER: I was -- I, basically, need it for  
11 some -- I'm trying to get new security jobs. And they  
12 told me I was denied because of a -- an old -- old  
13 charges back in California. They're actually over 20  
14 years old now. And so I'm trying to appeal it and get  
15 it overturned just based because I'm just trying to get  
16 my -- keep myself, you know, going and, you know, just  
17 establish a job and take care of myself and my family.

18 And I just don't think that I should be denied  
19 because of something so long ago. And since I've  
20 established myself here in Nevada, I haven't been in  
21 trouble, I haven't gone to jail. I've never been  
22 arrested since I've lived here.

23 So I just feel that, you know, it should be  
24 overturned, just because I've kept myself, you know,  
25 basically, out of trouble and done what I can to take

1 care of my family.

2 BOARD CHAIRMAN ZANE: Okay. Whose case is  
3 this?

4 MS. IRIZARRY: Investigator Irizarry. I have  
5 here --

6 THE REPORTER: Excuse me.

7 BOARD MEMBER NADEAU: Mr. Chair, we cannot hear  
8 here. Shannon needs to hear it.

9 (There was a brief period off the record.)

10 MR. INGRAM: Sir, that microphone's very, very  
11 sensitive. So if you're touching your papers.

12 MR. PORTER: Okay.

13 MR. INGRAM: Thank you.

14 MR. PORTER: You're welcome.

15 MS. IRIZARRY: Investigator Irizarry. I was  
16 assigned Mr. Porter's work card case. I had originally  
17 denied him for a 1995 robbery and forgery charge where  
18 he was convicted of -- which he was convicted of, and he  
19 served two years in a correctional facility. Since that  
20 event, I did not recognize on any of his fingerprints or  
21 anything else that he was convicted of any other charges  
22 since 1995 other than his original charge.

23 In speaking to him, he did mention to me that  
24 he was denied from a previous board, for which they  
25 overturned, his denial was approved. But other than

1 that, I think, you will need to show facts regarding the  
2 previous denial that he was denied for.

3 BOARD CHAIRMAN ZANE: So the conviction was a  
4 felony?

5 MS. IRIZARRY: Both felonies, robbery and  
6 forgery.

7 BOARD CHAIRMAN ZANE: So the denial was based  
8 upon the felony convictions?

9 MS. IRIZARRY: Based on the felony convictions,  
10 correct.

11 BOARD CHAIRMAN ZANE: Okay. And those are  
12 still open?

13 MS. IRIZARRY: They were closed after he served  
14 his two years in a correctional facility. And I have no  
15 other instances since he was released from prison.

16 BOARD CHAIRMAN ZANE: Okay. Did you ever get  
17 those records sealed or expunged?

18 MR. PORTER: I was planning to, but I just  
19 didn't. I never had the money to go forward with the  
20 lawyers when I was out there. And when I came out here,  
21 they told me. I had to register. And after that, they  
22 told me, well, they said once seven years had passed, it  
23 was no longer considered to -- what's the word they  
24 used? Almost like active, where you -- like if you did  
25 an application, you didn't even have to acknowledge it

1 after seven years. That's what I was told. So that's  
2 why I just kind of left it alone after that.

3 BOARD CHAIRMAN ZANE: Okay. All right.  
4 Anything else?

5 MR. PORTER: (Shook head negatively.)

6 BOARD CHAIRMAN ZANE: Okay. Any Board  
7 questions?

8 MR. MAHEU: Did the robbery charge involve a  
9 weapon?

10 MR. PORTER: No.

11 BOARD CHAIRMAN ZANE: Any other Board  
12 questions?

13 BOARD MEMBER NADEAU: Mr. Chair?

14 BOARD CHAIRMAN ZANE: Yes, sir.

15 BOARD MEMBER NADEAU: Thank you, Mr. Chair.  
16 How long have you been in Nevada now?

17 MR. PORTER: Ten years, almost 11. January  
18 it'll be 11 years.

19 BOARD MEMBER NADEAU: The other question I have  
20 for the investigator is -- or, I guess, it's for -- I  
21 guess, it's for Mr. Porter.

22 Mr. Porter, you said that somebody denied you a  
23 permit and then gave you a permit. And I'm trying to  
24 figure out, who was that?

25 MR. PORTER: Well, I mean that when I -- when I

1 was -- when I had gone down to the license board for  
2 this, I was denied. But, well, but the first job I had,  
3 I worked at a hotel, and I was denied. And then I had  
4 to go for a hearing similar to this. And, well, the  
5 judge, after I told him my story, he overturned it, and  
6 they gave me a temporary one until they established a  
7 full one.

8 BOARD MEMBER NADEAU: Was that, was that  
9 hearing with Las Vegas Metropolitan Police Department?

10 MR. PORTER: Well, it was down, it was down by  
11 the Clark County building over by the mall. It wasn't  
12 the same setup like here. It was kind of -- I was just  
13 in a small room with a few people and one judge.

14 BOARD MEMBER NADEAU: And how long ago was  
15 that?

16 MR. PORTER: That was back in late 2012, early  
17 2013, I believe. But he felt to overturn it, because I  
18 had told him I was just trying to work, and I was having  
19 issues with the --

20 BOARD MEMBER MAHEU: Mr. Nadeau, can I just  
21 interrupt for a minute, maybe clarify that?

22 Was that for a hotel work card?

23 MR. PORTER: Yes. It was, it was -- well, I  
24 have it with me if you --

25 BOARD MEMBER MAHEU: What job were you applying

1 for?

2 MR. PORTER: It was -- I was working at the  
3 Cancun Resort. It's a time-share hotel.

4 BOARD MEMBER MAHEU: And what was your -- what  
5 were your duties?

6 MR. PORTER: I was a security guard there. I  
7 had to, basically, patrol the place, help with guests,  
8 break up fights, kind of, that kind of thing.

9 MS. IRIZARRY: If I may, his SCOPE background  
10 does indicate that he had a security card for Cancun  
11 Resort, but it doesn't state if it's still active or  
12 not.

13 MR. PORTER: Do you need to see it?

14 MS. IRIZARRY: No.

15 BOARD CHAIRMAN ZANE: Anything else?

16 BOARD MEMBER NADEAU: No, thank you. Thank  
17 you, Mr. Chair.

18 BOARD CHAIRMAN ZANE: Now, my recollection, for  
19 legal counsel, was the -- in the fact that there is a  
20 felony conviction on file that hasn't been expunged or  
21 sealed, we're prohibited from issuing the card. Is that  
22 correct?

23 MS. PALMER: The statute was amended at this  
24 last legislative session.

25 BOARD CHAIRMAN ZANE: Okay.



1 MS. PALMER: What actually happened is that the  
2 licensee would be precluded from hiring them.

3 BOARD CHAIRMAN ZANE: Yeah.

4 MS. PALMER: That has been removed. And now,  
5 as long as this Board registers them, the licensee has  
6 the ability to hire them.

7 BOARD CHAIRMAN ZANE: Okay.

8 MS. PALMER: So it's this Board's discretion.  
9 And suitability is -- you have the factors that are  
10 still relevant, but they are not -- it's only mandatory  
11 that you issue the work card if, in fact, they meet all  
12 of the criteria, which are said in the negative, they  
13 don't have a felony, some of them, in the negative.  
14 They're suitable, basically.

15 BOARD CHAIRMAN ZANE: Correct.

16 MS. PALMER: But now you have the discretion.

17 BOARD CHAIRMAN ZANE: Okay. Thank you.

18 Are you married?

19 MR. PORTER: (Nodded head affirmatively.)

20 BOARD CHAIRMAN ZANE: You have to speak up, so  
21 she can --

22 MR. PORTER: Yes. Yes, I am.

23 BOARD CHAIRMAN ZANE: Do you have children?

24 MR. PORTER: I have a daughter, but she moved  
25 out. But she has two kids that we help, help her with

1 kids out. I'm pretty much the only provider in the  
2 family to my household.

3 BOARD CHAIRMAN ZANE: And what have you been  
4 doing for a living other than working at the Cancun?

5 MR. PORTER: Well, I also work at my -- at my  
6 church that I go to. I'm a -- I do setups for events  
7 and groups and stuff.

8 BOARD CHAIRMAN ZANE: Okay.

9 BOARD MEMBER FLYNN: Mr. Chair?

10 BOARD CHAIRMAN ZANE: Yes, sir.

11 BOARD MEMBER FLYNN: Just a question for the  
12 investigator.

13 Just confirming, there's been no criminal  
14 activity since he's been in the state of Nevada?

15 MS. IRIZARRY: Correct, there has not.

16 BOARD MEMBER FLYNN: Okay.

17 MS. IRIZARRY: Oh, well -- correct.

18 BOARD MEMBER FLYNN: Okay.

19 MS. IRIZARRY: We checked.

20 BOARD MEMBER FLYNN: Thank you.

21 BOARD CHAIRMAN ZANE: Any other questions?

22 If not, entertain a motion.

23 BOARD MEMBER FLYNN: I'll make a motion.

24 And it's just my personal belief that you've  
25 been clean for 20 years. You're trying to turn --

1 you've turned your life around. And the fact that your  
2 robbery did not involve a weapon. I'm willing to give  
3 you a chance. I mean if anything happens, you know,  
4 you're going to lose a lot more than that.

5 MR. PORTER: Yeah. That's what the judge told  
6 me the first time on the other card, too.

7 BOARD MEMBER FLYNN: M-hm (affirmative). And  
8 as well as the county's already granted you a work card,  
9 you've proven that you've worked in security since then.

10 So I'll make a motion to overturn the denial  
11 and grant you a private investigator license, work card.

12 MR. PORTER: I appreciate that, sir. Thank  
13 you.

14 MR. MAHEU: I'll second the motion.

15 BOARD CHAIRMAN ZANE: We have a motion and a  
16 second. Any questions on the motion?

17 BOARD MEMBER NADEAU: Mr. Chair?

18 BOARD CHAIRMAN ZANE: Yes, sir.

19 BOARD MEMBER NADEAU: Legal counsel has got to  
20 help me with this. But under 648.1493, under 3(b), it  
21 says "Except as otherwise provided in this chapter, the  
22 Board shall issue a registration to an applicant if";  
23 and under (b), it says "The applicant has not been  
24 convicted of, or entered a plea of nolo contendere to, a  
25 felony or a crime involving moral turpitude or the

1 illegal use or possession of a dangerous weapon."

2 Counsel needs to direct me where in the statute  
3 it says that we don't have to abide by that.

4 MS. PALMER: What it actually tells you is that  
5 you must issue a work card if he doesn't have a felony.  
6 The statute is silent as to whether or not you can issue  
7 a work card if somebody does have a felony.

8 So the criteria is relevant to whether or not  
9 you believe that someone is suitable. But given the  
10 time or other factors that you -- that have been  
11 expressed today, why, why the individual before you, you  
12 may be willing to give him that work card, you can take  
13 that into consideration.

14 In the past, you haven't had that discretion,  
15 because you had a conflicting statute. And correct me  
16 if I'm wrong. That's 648.060, which says that a  
17 licensee may not hire someone with a felony, with a  
18 felony conviction.

19 Therefore, even if the Board were to find that  
20 the individual were suitable, based on what's happened  
21 since the felony, the licensee would still be precluded  
22 from hiring them. That was changed in this last  
23 legislative session, and now it says that a licensee may  
24 hire anyone who is registered.

25 So if you determine that, in fact, this

1 individual is suitable, any licensee would now be able  
2 to hire him. So you don't have the conflict between the  
3 licensee's obligation and the Board's ability to use its  
4 discretion.

5 That, the additional factors in the statute  
6 that you pointed out, there's a right to an appeal. And  
7 there would really be no purpose for the appeal if  
8 things were that black and white. And that's where your  
9 experience on the Board comes into play, if you find the  
10 individual suitable.

11 BOARD MEMBER NADEAU: Thank you.

12 MS. PALMER: If that's sufficient. If not, you  
13 know, I'm a little bit handicapped in that I don't have  
14 access to the Internet via computer. But I can look up  
15 the statute on my cell phone and give you the specific  
16 criteria if you're not quite comfortable with my  
17 response.

18 BOARD MEMBER NADEAU: I guess, what I  
19 understand you saying is a licensee, before the 2015  
20 legislative session, was prohibited from hiring someone  
21 that had a felony?

22 MS. PALMER: That's correct.

23 BOARD MEMBER NADEAU: Because this says "shall"  
24 on that, that if -- if these criteria are not, are not  
25 met, then the Board must, or shall, issue the license?

1 MS. PALMER: Because the criteria are said in  
2 the negative. Is that correct?

3 BOARD MEMBER NADEAU: I get it. Yes, I get  
4 that. But, I guess, I'm -- you're our counsel. But I'm  
5 struggling with this inasmuch as it says these are the  
6 criteria that have been set.

7 MS. PALMER: Let me look at the statute. That  
8 will help. Just one moment. I can help walk you  
9 through it if I can actually see the statute.

10 BOARD MEMBER FLYNN: And if you have the  
11 number, I can look it up on mine.

12 MS. PALMER: He said it was 648.1493.

13 So, Mr. Nadeau, what it says is that if the  
14 Board -- the Board shall issue a registration to an  
15 applicant if: The application is verified and it  
16 complies with the applicable requirements of the  
17 chapter; the applicant is of good moral character and  
18 temperate habits; has not been convicted of, or entered  
19 a plea of nolo contendere to, a felony or a crime  
20 involving moral turpitude or the illegal use or  
21 possession of a dangerous weapon; has not made a false  
22 statement of material fact on the application; and has  
23 not violated any provision of this chapter, a regulation  
24 adopted pursuant thereto or an order of the Board.

25 So you do not have discretion. If an

1 individual meets all of the criteria, you must.

2           Where the problem has come in, in the past --  
3 and these are all still relevant factors in determining  
4 whether or not that person is suitable. But now you are  
5 able to consider other factors that may tend to convince  
6 you that the person is, in fact, suitable despite.

7           So you have no discretion on -- if they satisfy  
8 all of the criteria, you must issue the license. But if  
9 they do not satisfy the criteria, then, based on your  
10 experience, you can determine whether that person's  
11 suitable. And now the licensee has the ability to hire  
12 them despite the fact that they may have a felony  
13 conviction, which in the past would have been a factor  
14 precluding a licensee from hiring them, even if this  
15 Board were to issue that.

16           And then the other factors that I was referring  
17 to, a denial of the registration may be appealed to the  
18 Board, and you shall adopt regulations for the  
19 consideration of the appeals.

20           So if, in fact, you had no discretion, then the  
21 appellate practice would be, essentially, without  
22 meaning.

23           BOARD MEMBER NADEAU: Okay. Thank you. I  
24 understand that.

25           Mr. Porter, would you explain what the

1 circumstances were of the robbery and forgery charges.

2 MR. PORTER: Yes. Back at the time, the  
3 robbery, I was -- my wife and I were homeless in the  
4 street. And sometimes when you're in those kind of  
5 situations you made bad judgments and you -- and you're  
6 desperate. And that was my circumstances. So it was,  
7 basically, we had nothing. So when you're desperate for  
8 food and for money, you know, sometimes you do dumb  
9 things and you make bad choices. And that was the  
10 reason why.

11 BOARD MEMBER NADEAU: And then, I guess, the  
12 other question, and, I think, you explained this  
13 earlier, but why did you not include it on your  
14 application?

15 MR. PORTER: Because when I came out here and  
16 registered, they told me after seven years you didn't  
17 have to.

18 BOARD MEMBER NADEAU: "They" being?

19 MR. PORTER: When I went to the --

20 BOARD MEMBER NADEAU: The other hearing?

21 MR. PORTER: I forget the -- well, when I first  
22 moved out here, where you go to register as a --

23 BOARD MEMBER NADEAU: As a --

24 MR. PORTER: Yeah.

25 BOARD MEMBER NADEAU: As a convicted person?



1 MR. PORTER: (Nodded head affirmatively.)

2 BOARD MEMBER NADEAU: Okay. And they said that  
3 after seven years you no longer had to register yourself  
4 as a convicted person?

5 MR. PORTER: Yeah. And what they said, it was  
6 almost like -- it's hard to explain. It's like, almost  
7 like it was there, but, but you no longer had to show  
8 proof of it anymore on your applications because of the  
9 seven-year and without being in trouble.

10 BOARD MEMBER NADEAU: Okay. Thank you,  
11 Mr. Porter.

12 MR. PORTER: You're welcome.

13 BOARD CHAIRMAN ZANE: Any other questions?

14 BOARD MEMBER COLBERT: I have one,  
15 Mr. Chairman.

16 BOARD CHAIRMAN ZANE: Yes, sir.

17 BOARD MEMBER COLBERT: Mr. Porter, was the  
18 victim injured at all in this robbery?

19 MR. PORTER: No. But the -- she was just upset  
20 about the whole thing with -- because there was,  
21 actually, there was two of us. Honestly, it was --  
22 well, it's hard to explain all of the -- the reports,  
23 there were police -- the police reports were actually  
24 wrong on the whole incident that happened. But  
25 that's -- anyway, no.

1 BOARD MEMBER COLBERT: Thank you.

2 MR. PORTER: You're welcome. Sorry.

3 BOARD CHAIRMAN ZANE: Any other questions?

4 Okay. We have a motion and a second. Any  
5 other Board questions?

6 Call for the vote. All in favor of overturning  
7 the denial, vote by saying "aye."

8 (Board members said "aye.")

9 BOARD CHAIRMAN ZANE: Opposed, "no."

10 BOARD MEMBER NADEAU: No. I'm opposed. I  
11 oppose the motion.

12 BOARD MEMBER COLBERT: Same.

13 BOARD CHAIRMAN ZANE: Thank you.

14 Okay. It passes three-two for overturning.

15 MR. PORTER: Thank you.

16 MS. IRIZARRY: Thank you.

17 BOARD CHAIRMAN ZANE: Thank you.

18 MR. PORTER: Thank you so much.

19 MS. IRIZARRY: I'll give you the card this  
20 afternoon.

21 MR. PORTER: Okay.

22 MS. IRIZARRY: Thank you so much.

23 MR. PORTER: All right. Thank you.

24 MS. IRIZARRY: You're welcome.

25 MR. PORTER: Thank you, Board. Appreciate it.

1 BOARD MEMBER FLYNN: Good luck to you. Don't  
2 let us down. Because you're one of the first since the  
3 change in the law.

4 MR. PORTER: Oh, yeah? I appreciate that.  
5 Thank you so much, guys.

6 BOARD CHAIRMAN ZANE: Next item on the agenda  
7 is Christopher Carson. Christopher Carson?

8 We will trail number six to the end of number  
9 10.

10 Damian McLeod? Number seven, Damian Macleod?  
11 All right. We'll trail number seven behind  
12 number six.

13 BOARD MEMBER FLYNN: Can't hear what you're  
14 saying.

15 UNIDENTIFIED MAN: There's a bad accident out  
16 on 95, so you might have some real late people.

17 BOARD MEMBER FLYNN: Okay. Did you hear?

18 BOARD MEMBER MAHEU: Yeah.

19 BOARD CHAIRMAN ZANE: And number eight, Dwight  
20 Williams.

21 MR. WILLIAMS: Yes. Good morning.

22 BOARD CHAIRMAN ZANE: Please, come forward.

23 MR. WILLIAMS: All right.

24 BOARD CHAIRMAN ZANE: We need to do this in a  
25 little bit of a reverse this time, that -- so the

1 investigator is going to talk about why he did what he  
2 did.

3 MR. WILLIAMS: Okay.

4 BOARD CHAIRMAN ZANE: And then we'll ask you to  
5 talk about your point of view.

6 MR. WILLIAMS: Yes.

7 BOARD CHAIRMAN ZANE: Thank you.

8 MR. HARRIS: Good morning --

9 MR. WILLIAMS: Good morning.

10 MR. HARRIS: -- Board. Good morning,  
11 Mr. Williams.

12 Criminal Investigator Jason Harris. I denied  
13 his work card when he applied. The main reason, when we  
14 received his fingerprints, he had a firearms charge back  
15 in 1994, which he had two years probation. There was  
16 another one in 2000 for possession of a stolen vehicle  
17 where he did three years probation, another one in 2006  
18 for grand theft where he also did three years probation.

19 I went back and looked at his application.  
20 Where it says "Have you ever been on probation since  
21 your age of 18?" he circled No. The other one, "Have  
22 you ever been convicted of a crime involving illegal use  
23 or possession of a dangerous weapon?" he also circled No  
24 on that.

25 So that was the reason for my denial.

1 BOARD CHAIRMAN ZANE: Thank you.

2 Now, Mr. Williams, what's your point of view on  
3 this?

4 MR. WILLIAMS: Oh, I wouldn't -- you're going  
5 to have to help me, because I forgot. Okay. The first  
6 charge is a weapons charge, right, correct?

7 MR. HARRIS: Right.

8 MR. WILLIAMS: And the charge exactly was what,  
9 that I just, I just had a weapon, or what exactly?

10 MR. HARRIS: Carrying a loaded firearm in a  
11 public place.

12 MR. WILLIAMS: Okay. I remember that. It was,  
13 it was in '94. And it was my gun. I bought it. That  
14 was my first gun. It was a .380. And I wasn't in a  
15 public place. Now, we all know, if I had the gun in a  
16 public place, I would have been shot by the -- and  
17 killed by the police. The gun was in my car. It was  
18 myself and my cousin. And that was my first gun. And  
19 we went to the shooting range and shot the gun. And  
20 later on that evening I got pulled over by the cops, and  
21 they say, "Hey, you can't have a loaded gun in the car."  
22 That's what the issue was. And then they took me to  
23 jail, and I got cited out. And I did the probation and  
24 was done with that.

25 The next one is what?

1 MR. HARRIS: In 2000, possession of a stolen  
2 vehicle.

3 MR. WILLIAMS: Okay. That car -- that charge  
4 was a -- it was driving a -- joyriding, that's what it  
5 was. My buddy had a car that he had rented and didn't  
6 take it back. The police pull you over. You go to  
7 jail. It's not a felony. And that's what happened  
8 there.

9 Go to the next one.

10 MR. HARRIS: 2006, grand theft, money labor.

11 MR. WILLIAMS: Money what?

12 MR. HARRIS: Money labor, property.

13 MR. WILLIAMS: Oh, property. Okay. I was  
14 working for the NFL Studios. I had a buddy there, and I  
15 say, "Hey, I need to borrow some stuff, some equipment  
16 to shoot a little TV show I want to shoot." He said,  
17 "Okay. We're going on a -- on vacation, but you got to  
18 bring the equipment back."

19 It was two sets of equipment. I got the  
20 equipment, and I used it, but I couldn't bring it back  
21 because my van broke down. By the time my van got  
22 fixed, I couldn't, I couldn't bring it back. And they  
23 say, "Hey, you stole the equipment."

24 I was still working for the -- for the people.  
25 If my plan was to steal the equipment, I would have

1 stole it and never come back to work. And then I  
2 wouldn't have paid him for helping me. The guy helped  
3 me. So I couldn't say, "You know what, he gave me the  
4 equipment." You -- that would have been wrong, because  
5 he set out to help me.

6 And so by the time I -- they got the equipment  
7 back. It's not like I kept it. But they still  
8 prosecuted me and all that stuff. So I understand that.  
9 And I did not want to say my friend helped me, because  
10 then he would get fired for helping me. And that's just  
11 wrong. I wasn't going to do that. So I did probation  
12 and was done with that.

13 However, all of those were misdemeanors, not  
14 felonies.

15 BOARD CHAIRMAN ZANE: Okay.

16 MR. WILLIAMS: Oh. And some other part, this  
17 guy said no or something; what was it?

18 MR. HARRIS: Have you ever been on probation?  
19 He circled No.

20 MR. WILLIAMS: Oh. Because that was summary  
21 probation. I didn't understand what that, what that  
22 really meant. I said, well, when I went to -- when I  
23 got arrested for that, they said, "We're going to put  
24 you on probation," I said, "Okay. Do I have to go see  
25 somebody every week or something?" "No. Just don't get

1 in trouble." So I never did put the two together, okay,  
2 that's probation, or this. So that's what that was.

3 And then what's the next one?

4 MR. HARRIS: The other one, has he ever been  
5 convicted of a crime involving illegal use or possession  
6 of a dangerous weapon.

7 MR. WILLIAMS: Oh. No. Because what, in my  
8 eyes, I said no, because the weapon was mine. It wasn't  
9 stolen. I bought it legally. And, and California,  
10 didn't know that if you had a loaded firearm in your  
11 car, and it's yours, you still go to jail. It was  
12 ridiculous. The firearm was mine. I didn't steal it.  
13 I'm not robbing anybody. So I didn't understand that.  
14 So that's what that -- that was a misunderstanding  
15 there.

16 MR. HARRIS: There was a question number three,  
17 also. You didn't list any arrests regardless of what  
18 the outcome was.

19 MR. WILLIAMS: It was a question about an  
20 arrest? Oh, well, I really -- that was 20 some years  
21 ago. I don't remember that.

22 And I still, to this day, I have no felonies.  
23 And I just sent out my papers from my CCW. And, you  
24 know, I'm fine. So, basically, what I'm saying is  
25 there's no felonies. And I was working in L.A., until I



1 moved out here, as a security guard with a security  
2 guard license. I could show you the papers there.

3 So that's another reason why I say, well, okay,  
4 well, that's not -- it shouldn't be -- it shouldn't be  
5 the issue. If this state gave me a license to do  
6 security and have a firearm, so this one, it shouldn't  
7 be any different. But, obviously, I'm wrong. You know,  
8 did -- Nevada is different than California. Just like  
9 Nevada as a will work issue state, but California's not,  
10 and they got the most violent people in California. So,  
11 you know, that's what that is.

12 Any other questions?

13 MR. HARRIS: That's it for me.

14 MR. WILLIAMS: Okay.

15 BOARD CHAIRMAN ZANE: Board questions?

16 BOARD MEMBER FLYNN: For the investigator.

17 Where, what jurisdictions was he arrested in?

18 MR. HARRIS: They're all in L.A. and Inglewood.

19 BOARD MEMBER FLYNN: Okay.

20 MR. HARRIS: California.

21 BOARD MEMBER FLYNN: Thank you.

22 BOARD MEMBER NADEAU: Mr. Chair?

23 BOARD CHAIRMAN ZANE: Mr. Williams, what's your  
24 education -- I'm sorry.

25 BOARD MEMBER NADEAU: No, go ahead.

1 BOARD CHAIRMAN ZANE: Go ahead, Mr. Nadeau.

2 BOARD MEMBER NADEAU: No.

3 BOARD CHAIRMAN ZANE: What's your educational  
4 background?

5 MR. WILLIAMS: I went to Hollywood High School.  
6 And I went to LACC for recording engineering. That's  
7 literally what I do now. I'm a sound engineer. That's  
8 really how I make money. But sound has a tendency to go  
9 up and down. That's why I wanted to have a backup, so  
10 when it drops. Like some times of the year, there's  
11 just no work. So I would do security. And then, when  
12 it would start to pick back up, I'll go back to doing  
13 sound.

14 BOARD CHAIRMAN ZANE: How much security work  
15 did you do in California?

16 MR. WILLIAMS: Uh. I'd say, out of the year,  
17 probably like four months, you know. Out of the year,  
18 about four months. And now, I just recently, literally,  
19 got a job in Sumner. I work for a theater. But it was  
20 so difficult coming out here and finding work, what I  
21 do. That's why I said, okay, I better get some security  
22 so I can make sure I can pay some things, stuff like  
23 that.

24 BOARD CHAIRMAN ZANE: How long have you lived  
25 in Las Vegas?

1 MR. WILLIAMS: Well, my girlfriend actually  
2 lives out here. I'm planning to move out here, but I  
3 could not move out here with her without having a job.  
4 So I kept going back and forth to L.A. I'd go back to  
5 L.A. to work. And then I'd come back out here to look  
6 for work and then go back to L.A. to work. So now,  
7 since I just got a job, I'm going to be like here with  
8 her.

9 BOARD CHAIRMAN ZANE: Do you have any children?

10 MR. WILLIAMS: I got a kid in L.A.

11 BOARD CHAIRMAN ZANE: Okay. How old?

12 MR. WILLIAMS: He's seven. I got visitations  
13 every month. I go out there and spend time with him and  
14 then come back.

15 BOARD CHAIRMAN ZANE: Okay. Any questions?

16 BOARD MEMBER FLYNN: Sure. Did you say you  
17 have a CCW?

18 MR. WILLIAMS: No, no, no. It got -- I have --  
19 I sent out for the permit for it, for the -- you know,  
20 to get it. The application, that's what it is.

21 BOARD MEMBER FLYNN: You've submitted an  
22 application --

23 MR. WILLIAMS: Yes.

24 BOARD MEMBER FLYNN: -- or you've asked for the  
25 application?

1 MR. WILLIAMS: Yes.

2 BOARD MEMBER FLYNN: That was an either/or.  
3 Did you, you've submitted the application, or you've  
4 asked for the application?

5 MR. WILLIAMS: No, I submitted the application.

6 BOARD MEMBER FLYNN: Okay.

7 MR. WILLIAMS: Yes, uh-huh (affirmative).

8 BOARD CHAIRMAN ZANE: Mr. Nadeau. I'm sorry.

9 BOARD MEMBER NADEAU: Thank you, Mr. Chairman.  
10 This is for the investigator. Mr. Williams  
11 keeps indicating that all the -- all three of these were  
12 misdemeanors. Is that what the record reflects?

13 MR. HARRIS: It doesn't clarify on here whether  
14 it was a misdemeanor or a felony. It just states that  
15 he did 24 months probation on one and three years on the  
16 other.

17 BOARD MEMBER COLBERT: Mr. Chair, I have a  
18 question.

19 BOARD CHAIRMAN ZANE: Yes, sir.

20 BOARD MEMBER COLBERT: This is for the  
21 investigator, also. Does it make mention, on the  
22 weapon, whether the weapon was on his person or in the  
23 vehicle?

24 MR. HARRIS: All it says, says on the  
25 fingerprints, is carrying a loaded firearm in a public

1 place. It doesn't say whether it was in a vehicle or on  
2 his person.

3 BOARD MEMBER COLBERT: Okay. Thank you.

4 BOARD CHAIRMAN ZANE: Any other Board  
5 questions?

6 I'd entertain a motion.

7 BOARD MEMBER NADEAU: Mr. Chairman?

8 BOARD CHAIRMAN ZANE: Yes, sir.

9 BOARD MEMBER NADEAU: I'll venture out a  
10 motion. I move that the appeal be denied.

11 BOARD MEMBER COLBERT: Second.

12 BOARD MEMBER MAHEU: Second.

13 BOARD CHAIRMAN ZANE: I have a motion and a  
14 second. Board comment, questions regarding the motion?

15 BOARD MEMBER NADEAU: Mr. Chairman, I --  
16 without these having been listed for any reason, the  
17 application was insufficient. We don't know if these  
18 were felonies or misdemeanors. We do know that he had  
19 to satisfy a multiple-year probation in all the  
20 circumstances. For all of those reasons, I feel the  
21 denial is appropriate.

22 BOARD CHAIRMAN ZANE: Thank you.

23 Okay. Call for the vote. All in favor of  
24 denying the appeal?

25 (Board members said "aye.")

1 BOARD CHAIRMAN ZANE: Any opposed?

2 Carries unanimously.

3 Sorry. You're able to reapply in a year. And  
4 I don't think that you'd find the same result if you  
5 answer every question on the application as it requires  
6 an answer.

7 MR. WILLIAMS: Well, I'm not going to waste my  
8 time. It doesn't make any, any sense, man. It's clear  
9 that I don't have any felonies, is -- is how can you  
10 hide a felony? Do I have felonies? You've seen it. So  
11 it's not, it's not an issue. I mean just like I said,  
12 the guy lied. If I had a weapon in public, the cops  
13 would have shot me and killed me. You all, you all know  
14 that. And I got a job. Fine.

15 BOARD CHAIRMAN ZANE: Thank you.

16 The next item on the agenda is number nine,  
17 Joshua Pope.

18 Good morning. Have a chair. And we'll let the  
19 investigator speak, and then you can respond.

20 MR. POPE: Okay. Yes, sir.

21 BOARD CHAIRMAN ZANE: Thank you.

22 MS. IRIZARRY: Good morning. Investigator  
23 Irizarry. I was assigned Mr. Pope's case. I originally  
24 denied him due to a 2007 unlawful carry and possession  
25 of a weapons conviction in California.

1           On Mr. Pope's application, he did list other  
2 arrests, which I did cross-reference with his  
3 fingerprints. His explanation was accurate to what was  
4 found on his fingerprints. He was in a May 2007  
5 vandalism charge, which was dismissed; a 2008 reckless  
6 driving and driving without insurance, which he paid  
7 fines for, and it is currently closed; a two thousand --  
8 I'm sorry -- both of those in California; a 2009  
9 California case where he was driving on a suspended  
10 license. That case was dismissed. A November 2013  
11 California arrest, or I'm sorry, citation for selling,  
12 supplying, delivering of firearms, as well as carrying a  
13 loaded firearm in public. Both charges, he was -- were  
14 dismissed. The one conviction, which I previously  
15 explained I denied him on, was a 2007 California  
16 unlawful manufacturing, selling or possession of a  
17 dangerous weapon conviction.

18           BOARD CHAIRMAN ZANE: Thank you.

19           Mr. Pope, what's your response to the findings?

20           MR. POPE: The charge in 2007 was a brass  
21 knuckle belt buckle. It wasn't actually knuckles at  
22 all. They weren't even metal. But at the time, I was,  
23 you know, 18 years old, I believe, and I was living in  
24 southern California. So I had to make the misdemeanor  
25 deal so I didn't have to come to and from the Sonoma

1 County -- it's about 500 miles -- to keep fighting the  
2 case. But they weren't actually knuckles. It's just  
3 the only deal they could offer me at the time, and some  
4 probation, which were completed.

5 And that was, that was it, that was the gist of  
6 it. It was a belt buckle, not actually knuckles.

7 BOARD CHAIRMAN ZANE: Okay. And then, once you  
8 went down the rendition of the criminal history, you  
9 don't have any qualms with --

10 MR. POPE: The two that, the two she most  
11 recently mentioned that were dismissed, those were in  
12 the scopes of doing my duties in California as a bail  
13 enforcement agent. I do hold a CCW for California and  
14 the State of Nevada. And they felt -- there was no  
15 charge. I don't know why I was picked up on that.

16 BOARD CHAIRMAN ZANE: Okay.

17 MR. POPE: Plus, they dismissed it.

18 BOARD CHAIRMAN ZANE: Okay. When did you get  
19 your CCW in Nevada?

20 MR. POPE: I believe, two and a half years ago.  
21 I could check, if you'd like.

22 BOARD CHAIRMAN ZANE: What jurisdiction?

23 MR. POPE: Clark County.

24 BOARD CHAIRMAN ZANE: Okay.

25 MR. POPE: Or -- yeah. Yeah.



1 BOARD CHAIRMAN ZANE: Okay. Okay. Anything  
2 else you'd like to add?

3 MR. POPE: I have a licensed security card in  
4 California. I also hold an exposed firearm permit.  
5 I've also graduated from the POST Academy for -- to be a  
6 police officer, which is one of the requirements for  
7 doing bail in California. And I also hold a bail  
8 enforcement license here currently in Nevada.

9 BOARD CHAIRMAN ZANE: Issued by the Division of  
10 Insurance?

11 MR. POPE: That's correct, yes.

12 BOARD CHAIRMAN ZANE: Okay. Any Board  
13 questions?

14 BOARD MEMBER FLYNN: For the investigator. The  
15 possession of dangerous weapon, California in '07, what  
16 was the outcome, besides the conviction?

17 MS. IRIZARRY: It doesn't list if it was a  
18 misdemeanor or a felony. It just says conviction.

19 BOARD MEMBER FLYNN: Does it list fine, time  
20 served, probation?

21 MS. IRIZARRY: One moment.

22 Eighteen months probation, fine, and sentence  
23 was suspended.

24 BOARD CHAIRMAN ZANE: Anything else?

25 BOARD MEMBER FLYNN: No, that's it.

1 BOARD MEMBER MAHEU: For the investigator.  
2 Read the charge about manufacturing weapons. Did I  
3 misunderstand that?

4 MS. IRIZARRY: The one he was convicted of?

5 BOARD MEMBER MAHEU: Yeah.

6 MS. IRIZARRY: The charge was unlawful  
7 manufacturing, selling or possession of a dangerous  
8 weapon.

9 BOARD MEMBER FLYNN: It's --

10 BOARD MEMBER MAHEU: Yeah, one charge.

11 BOARD CHAIRMAN ZANE: Mr. Nadeau?

12 BOARD MEMBER NADEAU: I'm prepared to make a  
13 motion, if you'll accept it.

14 BOARD CHAIRMAN ZANE: Yes, sir.

15 BOARD MEMBER NADEAU: Mr. Chair, I move that  
16 the denial be overturned and that Mr. Pope be issued a  
17 work card or a permit.

18 BOARD CHAIRMAN ZANE: Is there a second?

19 BOARD MEMBER COLBERT: Second.

20 BOARD MEMBER FLYNN: I'll second.

21 BOARD CHAIRMAN ZANE: Motion and second. Any  
22 Board comment or question?

23 No Board comment. Let's call for the vote.

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

25 (Board members said "aye.")

1 BOARD MEMBER NADEAU: Mr. Chair, I --

2 BOARD CHAIRMAN ZANE: Any opposed, say "no."

3 BOARD MEMBER NADEAU: Mr. Chair, I should  
4 explain why I made that motion, so, but explain the  
5 motion. But, I think, in this circumstance, where time,  
6 distance, and the honesty and forthcoming of the  
7 appellee, it's appropriate that we issue, that the  
8 permit be issued.

9 I just need to have that on the record, so to  
10 explain why. Thank you.

11 BOARD CHAIRMAN ZANE: Thank you.

12 So it's unanimous, right?

13 BOARD MEMBER NADEAU: We had no -- I had an  
14 "aye" up here.

15 Did you?

16 BOARD MEMBER COLBERT: Oh, yes.

17 BOARD MEMBER NADEAU: Sorry. I interrupted the  
18 vote.

19 BOARD CHAIRMAN ZANE: Okay.

20 BOARD MEMBER NADEAU: But I wanted it to be  
21 clear.

22 BOARD CHAIRMAN ZANE: Okay. Five votes in your  
23 favor to overturn it. So good luck to you.

24 MR. POPE: Thank you.

25 Okay. Thank you so much.

1 MS. IRIZARRY: Thank you very much.

2 MR. POPE: Thank you.

3 MS. IRIZARRY: Bye-bye.

4 MR. POPE: Thank you again.

5 BOARD CHAIRMAN ZANE: Qonita Johnson? Qonita  
6 Johnson? Number 10.

7 Let's see. Who did we move? Christopher  
8 Carson?

9 Damian Macleod?

10 MR. INGRAM: Mr. Chairman, I'm still behind a  
11 little bit on Damian Macleod. He withdrew recently and  
12 wishes to try to get his record sealed before coming  
13 before the Board.

14 BOARD CHAIRMAN ZANE: Thank you. So.

15 MR. INGRAM: Christopher Carson and Qonita  
16 Johnson was adequately noticed. They both replied that  
17 they would be attending today.

18 BOARD CHAIRMAN ZANE: Okay. Is there any  
19 opposition to trailing both of those items to the end of  
20 the meeting?

21 BOARD MEMBER FLYNN: No.

22 BOARD MEMBER MAHEU: No.

23 BOARD CHAIRMAN ZANE: All right. We'll trail.

24 We'd like to take a break right now, if we  
25 could, please. And 10 minutes?

1 MS. PALMER: Okay.

2 BOARD MEMBER ZANE: Longer?

3 MS. PALMER: We'll see. I have to get some  
4 exhibits. And, also, opposing counsel had asked to  
5 speak with me. And --

6 BOARD CHAIRMAN ZANE: How long is it?

7 MS. PALMER: You have to wait for your Board  
8 counsel to arrive. So, 20 minutes.

9 BOARD CHAIRMAN ZANE: Okay.

10 MS. PALMER: Thank you.

11 BOARD CHAIRMAN ZANE: Twenty minutes.

12 BOARD MEMBER NADEAU: Thank you.

13 \* \* \* \* \*

14 (A break was taken, 9:46 to 10:20 a.m.)

15 \* \* \* \* \*

16 BOARD CHAIRMAN ZANE: All right. Let's go back  
17 on the record.

18 This is item number 11 on the agenda, Hon Ku,  
19 LLC dba Custom K9 Services, who was issued an unlicensed  
20 activity citation for a violation of NRS 648.060,  
21 providing and/or advertising services of training and  
22 selling protection canines without a license. Susan and  
23 Terry Davis are appealing the citation. For possible  
24 action.

25 In proceeding with this hearing, let's make a

1 record of appearance, if we would, please.

2 MS. PALMER: Raelene Palmer on behalf of the  
3 Private Investigator's Licensing Board.

4 MR. LEWIS: Stephen Lewis on behalf of Hon Ku,  
5 LLC, with its sole member, Ms. Davis.

6 MS. BRADLEY: And Sarah Bradley, Deputy  
7 Attorney General, acting as Board counsel for this  
8 matter.

9 BOARD CHAIRMAN ZANE: Thank you.

10 All right. And we'll proceed. The statute  
11 requires a reading of the complaint. Will you want that  
12 read, or would you like to waive that?

13 MR. LEWIS: Happy to waive it.

14 BOARD CHAIRMAN ZANE: Thank you very much. I  
15 appreciate it.

16 The order and process, as it goes here, since  
17 you're represented by counsel, will, hopefully, be  
18 streamlined a little bit than it is when people are here  
19 representing themselves, because this acts similarly  
20 like a court action.

21 So the state will proceed with their  
22 presentation of the case, and you have your opportunity  
23 to cross-examine. At that point, you also have an  
24 opening statement opportunity, or you can waive,  
25 whatever the case might, whatever you decide. And then

1 you'll have your opportunity to present your case. The  
2 state will have the opportunity to cross-examine  
3 anybody. And then we can do closings, or not, depending  
4 on your point of view.

5 So. Are we ready?

6 MS. PALMER: Absolutely.

7 BOARD CHAIRMAN ZANE: Proceed, please.

8 MS. PALMER: We'll waive our opening argument,  
9 our -- yeah.

10 MR. LEWIS: And we'll be happy to waive as  
11 well.

12 BOARD CHAIRMAN ZANE: Thank you very much.

13 MS. PALMER: I'd like to call my first witness,  
14 which is Jason Harris.

15 BOARD CHAIRMAN ZANE: Mr. Harris, you've been  
16 previously sworn?

17 MS. PALMER: No, he needs to be sworn for this  
18 hearing.

19 BOARD CHAIRMAN ZANE: Okay.

20 MS. PALMER: He was not sworn for this hearing.

21 BOARD CHAIRMAN ZANE: Could Board counsel swear  
22 Mr. Harris, please.

23 MS. BRADLEY: Mr. Harris, do you swear that the  
24 testimony you're about to give before this Board will be  
25 the truth, the whole truth and nothing but the truth?

1 MR. HARRIS: I do.

2 MS. BRADLEY: Thank you.

3

4 J A S O N H A R R I S,  
5 having been duly sworn by Board counsel,  
6 was examined and testified as follows:

7

8 DIRECT EXAMINATION

9 BY MS. PALMER:

10 Q. Mr. Harris, can you tell me when you became  
11 acquainted -- well, first of all, excuse me. Do you --  
12 did there come a point in time when you became aware of  
13 Custom K9?

14 A. Yes, there was. Our office was in receipt of a  
15 complaint --

16 MS. PALMER: Can you hear him? Can you hear?

17 THE REPORTER: Yes, I can hear.

18 THE WITNESS: Back in, I believe it was  
19 December, 2014. The original complaint stated that  
20 Custom K9s and two representatives, Terry Davis and  
21 Susan Davis, were providing services in Nevada that  
22 require a license through the Private Investigator's  
23 Licensing Board.

24 BY MS. PALMER:

25 Q. Was there -- did you -- was there anything



1 attached to the complaint that caused you concern? And  
2 what I'll do is I'll show you what's been marked as  
3 Exhibit 2.

4 A. That's this one.

5 MS. PALMER: And it's been approved already.  
6 It's been entered into the record. All of the exhibits  
7 have been stipulated to.

8 THE WITNESS: There was --

9 BY MS. PALMER:

10 Q. Do you recognize that document?

11 A. Yes, I do.

12 Q. Okay. Can you tell me what that is?

13 A. Okay. These are the three pieces of paper that  
14 were attached to the original complaint. And two of  
15 them are from what appear to be off of Custom K9  
16 Services' website. And the third one appears to be a  
17 Craigslist advertisement.

18 Q. And when you reviewed those documents, what did  
19 they mean to you?

20 A. Upon reviewing the document, the thing that  
21 drew my attention was family protection training on the  
22 first advertisement. And the Craigslist advertisement,  
23 it said "Executive Protection Dogs: German Shepherds,  
24 Malinois and Dutch Shepherds." These services require a  
25 license by the Private Investigator's Licensing Board.

1 Q. Did you take any action after receiving that  
2 information?

3 A. After receiving this information, I went on to  
4 their website. That's on the top right-hand, Custom K9  
5 Services, and pulled up their website.

6 Q. And when you say "their" website, how did you  
7 know that that was their website?

8 A. Because it says "Custom K9 Services." And  
9 then, when their website came up, there at the time,  
10 Terry Davis's name was it, but they've --

11 Q. When you actually brought the website up, which  
12 is reflected on Bates stamp number 15 of Exhibit 2,  
13 that's where you obtained the information?

14 A. Correct.

15 Q. Okay. And I would like to show you what's been  
16 marked as Exhibit 3. And this is Bates stamp number 18  
17 through 22. Would you take a look at that and tell me  
18 if you recognize that document.

19 A. This is their website that I pulled up and I  
20 printed. And when I was surfing their site, clicking on  
21 some of the tabs, the one tab at the time that it  
22 brought my attention was VIP Services. So I pulled that  
23 up. And in there, let's see, one of the paragraphs says  
24 "Personal protection dog." Another one says "Police dog  
25 packages."

1 Q. And you're looking at Bates stamp --

2 A. 20.

3 Q. -- 20, for the record?

4 A. Correct.

5 Q. Did you do further follow-up investigation  
6 after that?

7 A. After that, in reviewing this, I phoned Terry  
8 Davis and spoke with him at the time.

9 Q. Okay. Back up for a minute.

10 A. M-hm (affirmative).

11 Q. How, how did you know who Terry Davis was?

12 A. It was posted on the website.

13 Q. And this would be the website that you went to?

14 A. The website that I went to was their home page.

15 Q. So you called the telephone number?

16 A. I called the telephone number -- it was a 702  
17 number -- spoke with Terry in detail regarding the  
18 advertisement for personal protection and executive  
19 protection, informed him that these services require a  
20 license in the state of Nevada. We talked in depth  
21 regarding NRS 648 and canine handler. Or it says "dog  
22 handler."

23 In more of the conversation, he was unaware  
24 have the laws. And I told him what he needed to do to  
25 rectify the situation was remove the advertisement

1 pertaining to Nevada. He did do so. I gave him 72  
2 hours to remove the advertisement and later checked; I  
3 think, it was the following week. And, in fact, he did  
4 remove the advertisement.

5 Q. Okay. I'd like to back up for just a moment.

6 A. M-hm (affirmative).

7 Q. You are, you're referring to Terry Davis.

8 A. Correct.

9 Q. But you -- at this point, you dialed the  
10 telephone number?

11 A. M-hm (affirmative).

12 Q. And how did you come to speak with Terry Davis?

13 A. He answered the phone.

14 Q. And what did you say when you called him?

15 A. I introduced myself and said, "My name's Jason.

16 I'm a criminal investigator for the Private

17 Investigator's Licensing Board." And I asked him if I

18 was speaking with Terry Davis, and he said, yes, he was.

19 Q. Let me ask you this. Why did you know to ask  
20 for Terry Davis?

21 A. Because that's the name that was on the  
22 website.

23 Q. Okay. And he said that it was, and then --

24 A. He said --

25 Q. -- the conversation that you've testified about

1 ensued?

2 A. Correct.

3 Q. Okay. Then, was that the end of your  
4 interactions with Custom K9?

5 A. That was it at that time. Can I refer back to?

6 Q. I'm sorry. What would you like to refer to?

7 A. The notes that I had written, or --

8 Q. And this is so that you can?

9 A. Refresh my memory on what I put in there.

10 MS. PALMER: I'm showing him his investigative  
11 report.

12 THE WITNESS: Oh, correct. Okay. He also  
13 talked in there that the services that he did provide  
14 were -- was in Connecticut, as far as the sales and  
15 providing personal protection. And that was pretty much  
16 the end of that conversation.

17 BY MS. PALMER:

18 Q. Well, let me -- I don't want you to testify in  
19 narrative form.

20 A. Okay.

21 Q. Let me ask you some questions. So did you have  
22 any other contact with him after that, or was that the  
23 end of your contact with Mr. Davis or Custom K9?

24 A. That was the end of that incident.

25 Q. Was there, was there something that happened

1 after that date that caused you to --

2 A. There was a phone call. I can't remember the  
3 exact date when it came in. But the individual was  
4 complaining about Custom K9 and services that they were  
5 providing. And the individual was pretty specific on  
6 them providing personal protection and selling dogs.  
7 And this was -- oh, I don't want to say a specific date,  
8 but it was a later period of time. And based on --

9 Q. Was this -- can you remember the year? Was  
10 with in 2014 or 2015?

11 A. I believe, it was the first of the year, 2015.

12 Q. What did you do as a result of that  
13 information?

14 A. As a result of that information and the  
15 information prior, I sent a citation for \$2,500 for  
16 violation for advertising.

17 Q. Okay. I'd like to show you what's been marked  
18 as Exhibit 24, which is Bates-stamped number 23 through  
19 27.

20 MR. LEWIS: Counsel, for the record, you said  
21 "24." I'm assuming you meant Exhibit 4?

22 THE WITNESS: Yes.

23 BY MS. PALMER:

24 Q. Oh, I'm sorry. Yes. Exhibit 4, Bates-stamped  
25 23 -- that's the page that's reflecting it's

1 Exhibit 4 -- through 27.

2 A. This was the one I sent them on January 14th,  
3 2015.

4 Q. And when you say "one," would you please  
5 explain what you mean by "one."

6 A. The citation that I sent them.

7 Q. Okay. And after you sent that citation, what  
8 happened after that?

9 A. I received a phone call shortly after that. It  
10 was either Susan or Terry Davis at the time. And they  
11 wanted to meet regarding the citation that was issued.  
12 They came into the office shortly after that. I can't  
13 remember the exact month, but it was after they received  
14 the citation.

15 Q. And what's the date of the citation?

16 A. It was January 14th, I believe. January 14th,  
17 2015.

18 Q. And that's reflected on page 25, that you're  
19 looking at?

20 A. Correct. When they came into the office,  
21 Investigator Yarborough and I met with them to discuss  
22 the citation that was issued. They, basically, informed  
23 us that the only work that they do do is more  
24 competition. They also specified, said it was for  
25 French ring sport. During that conversation with

1 Investigator Yarborough and I, we pulled up a few  
2 websites to see what exactly French ring sport was, or  
3 competition dogs. And when we were both looking at the  
4 website, it does appear to be security-oriented because  
5 of the bite work and the dogs running after the  
6 individuals and biting onto an arm or a portion of the  
7 body.

8           They went into a little more detail about  
9 everything. Bruce, Investigator Yarborough, and I  
10 talked it over a little bit. And we both decided to  
11 withdraw the initial citation based off the information  
12 they had told us. We also informed them that if we see  
13 later on down the road that they are offering services  
14 pertaining to the executive protection or personal  
15 protection dog, that they would be receiving a second  
16 citation or a second violation.

17           During that conversation as well, we encouraged  
18 them to become licensed, or we encouraged Susan to  
19 obtain her license. During that time, we also told them  
20 that Terry Davis would not be able to obtain the license  
21 or even get a work card because of his felony conviction  
22 in Connecticut, I believe it was.

23           Q. How did you become aware that Terry Davis had a  
24 felony conviction?

25           A. That was on the original citation. It named



1 him and then said he has a felony conviction.

2 Q. And how did you determine that that information  
3 was accurate?

4 A. Investigator Yarborough at the time Googled his  
5 name, and there was a case in Connecticut, for, I think  
6 it was, extortion. I'm not a hundred percent positive  
7 on it, but I think that's what it was for.

8 Q. Did you have any discussions with Mr. Davis  
9 regarding that conviction?

10 A. During our meeting, he did say, yes, he was  
11 aware that he would not be able to obtain a work card  
12 because of this felony conviction. That's why Susan  
13 Davis, we encouraged her to get a license.

14 Q. And when you told them that they would receive  
15 a second violation if you, in fact, found that there was  
16 activity in violation of the statutes, did you mention  
17 what the amount of that citation would be?

18 A. Yes. We said it would be in the amount of  
19 \$5,000.

20 Q. And was that the end of your interactions with  
21 Custom K9 or -- just leave it at that.

22 A. May I take a peek again, to refresh my memory  
23 of it?

24 Q. Do you have your -- do you have that? You were  
25 testifying from your notes rather than that. And, for

1 the record, what are you reviewing?

2 A. I am reviewing my investigator notes to refresh  
3 my memory on the incident.

4 There was another interaction back in --

5 Q. Do you remember now?

6 A. Yeah.

7 Q. Okay.

8 A. Back in March, we received an e-mail for --  
9 regarding Custom K9s again and services that they were  
10 providing. This specifically named a park where they  
11 were conducting their training. And that was fairly  
12 close to our office. And --

13 Q. So were you, were you assigned to follow up on  
14 that?

15 A. Yes. I talked to Director Ingram, said I was  
16 going to follow up on the e-mail versus -- regarding the  
17 place of training. So what I did is -- I think, it was  
18 Wednesday, I went out early in the morning. I observed  
19 at a distance. And they were doing bite work. It did  
20 appear to be security-oriented. At that time, I went  
21 over and I approached Terry Davis, and I spoke with him  
22 regarding the conversation we had prior. He didn't  
23 remember. And then I refreshed his memory.

24 After the meeting with him, I said I would be  
25 in contact with him. I handed him my card. Came back

1 to the office, and I talked to Director Ingram, filled  
2 him in on what I had seen. He said, "Well, why don't  
3 you go ahead and schedule a meeting."

4 So that time, I got ahold of -- I think, it was  
5 Susan, at the time, our e-mail, said we would like to  
6 meet. We picked a day and made sure the day was clear  
7 on Director Ingram's schedule.

8 They came in, say, a few weeks after that. We  
9 met with both of them. At that time, Director Ingram --  
10 they filled us both in to clarify a lot of the  
11 situations. At that time, Director Ingram took ahold of  
12 the conversation and started talking a little more. At  
13 the end of the meeting, it appeared that everything has  
14 been rectified and everything was taken care of.

15 Q. So at that point, there were no outstanding  
16 citations, and you were comfortable that there were no  
17 violations?

18 A. Correct.

19 Q. Were there further interactions with Custom K9?

20 A. There was shortly after that. I'll say roughly  
21 a month after that, Susan Davis did submit her  
22 application for a canine or a dog handler license. And  
23 then it was assigned to myself.

24 Q. For?

25 A. For going through the background and for

1 licensure.

2 Q. Did you conduct a background investigation?

3 A. I did conduct the background, reviewed all of  
4 her documents that she submitted, also ran a TransUnion  
5 credit report, did a LexusNexus, saw -- went to see if  
6 she had a criminal background, so I ran SCOPE on her.  
7 Everything was looking good.

8 Shortly, or during the process of the  
9 investigation, Director Ingram had sent an e-mail  
10 regarding an advertisement that he had seen on Facebook  
11 regarding Custom K9s and services that they were  
12 providing.

13 Q. I would like to show you what's been marked as  
14 Exhibit 5. And that would be pages 28 through 30,  
15 Bates-stamped 28 through 30. Do you recognize that  
16 document?

17 A. Yes, I do.

18 Q. And what is that document?

19 A. This is, basically, a picture of Custom K9s on  
20 a Facebook advertisement. And on here it says "Sales of  
21 service and family protection K9s."

22 The second one was also on the Facebook one.  
23 It says "Dog training in Las Vegas and sales of trained  
24 K9s" and the phone number. Training canines for  
25 obedience and service dogs, that doesn't require a

1 license. However, the personal protection and police  
2 training dog does.

3 Q. What did you do as a result of the information  
4 that you had obtained?

5 A. As a result of this, Director Ingram phoned  
6 Susan Davis at the time. I believe, he informed her  
7 that based off of this information, that they would be  
8 receiving a second citation in the amount of \$5,000.

9 Q. And were you, were you a party to that  
10 conversation; it was a telephone conversation?

11 A. I was not a party to that conversation.

12 Q. Okay.

13 A. I did issue the citation and sent it to them.

14 Q. And what was the amount of the citation?

15 A. The amount was for \$5,000.

16 Q. And that was for -- was that a first violation  
17 or a second violation?

18 A. That was actually a second violation. But then  
19 we went back and we discussed it. 'Cause we withdrew  
20 the first citation for 2,500, this, in fact, would be  
21 the \$2,500 citation. And that citation was revised and  
22 sent to them.

23 Q. I'd like to show you what has been marked as  
24 Exhibit 6, Bates-stamped numbers 31 through 36. Do you  
25 recognize that document?

1           A.    This is the second citation that I had sent  
2 them, for --

3           Q.    What is the amount of that citation?

4           A.    The amount of this one is 5,000.

5           Q.    And would you please state for the record what  
6 page you are looking at.

7           A.    I am looking at the PILB 0033.

8           Q.    And so you issued the citation.  And then do  
9 you know what happened after that?

10          A.    After this, Kevin had spoke with me regarding,  
11 because we did withdraw the first one, that we would  
12 have to revise it and submit it for the 2,500.

13          Q.    Okay.  I would like to show you what's been  
14 marked as Exhibit 1, and this is pages 1 through 13.  Do  
15 you recognize that document?  First, see if you  
16 recognize the document.

17                   What is that document?

18          A.    This is the revised citation for 2,500  
19 correcting the second violation, the citation that we  
20 wrote for five.  This was revised and made 2,500.

21          Q.    And what was that violation based upon?

22          A.    This one was based on the act of Facebook  
23 advertisement that Director Ingram had forwarded to me,  
24 where it shows the personal protection and their phone  
25 number on the Facebook.

1 MS. PALMER: Thank you. I'll turn it over to  
2 opposing counsel.

3 MR. LEWIS: Thank you.  
4

5 CROSS-EXAMINATION

6 BY MR. LEWIS:

7 Q. Mr. Harris, real quick --

8 A. Okay.

9 Q. -- I wanted to make sure that we're all on the  
10 same page with an interpretation of NRS 648.0065. You  
11 would agree with me that if a dog is trained, handled,  
12 or someone's paid to train and handle a dog for  
13 competition purposes, it would not be a violation; is  
14 that correct?

15 MS. PALMER: I'm going to object because that  
16 calls for a legal conclusion.

17 MR. LEWIS: Okay.

18 BOARD CHAIRMAN ZANE: I'm going to --

19 MR. LEWIS: Who rules on the objection?

20 BOARD CHAIRMAN ZANE: I do. I'm thinking.

21 MR. LEWIS: Okay.

22 BOARD CHAIRMAN ZANE: I'm not a lawyer. That's  
23 why I'm a little slower.

24 MS. PALMER: You can consult with counsel.

25 MS. BRADLEY: What was the statute in the

1 question?

2 MR. LEWIS: 648.0065.

3 MS. BRADLEY: Okay. So the Board president  
4 would rule on the objection. And so, of course, the  
5 question is whether or not the witness is able to make a  
6 legal conclusion.

7 BOARD CHAIRMAN ZANE: But, I think, the  
8 question was whether or not he agreed with the wording  
9 of the statute.

10 MS. BRADLEY: Yeah.

11 MR. LEWIS: That's correct.

12 MS. BRADLEY: But I mean the question -- the  
13 objection is that the question calls for a legal  
14 conclusion. So when ruling on the objection, you're  
15 deciding whether or not you think that objection is  
16 correct. So you would sustain it if you think it's  
17 correct. You would overrule it if you think it's not  
18 correct.

19 And so the question, at least for you right now  
20 as Board president, is whether or not the witness is  
21 able to answer a question about an interpretation of a  
22 statute.

23 MR. LEWIS: How about if I withdraw the  
24 question? I'll lay a little more foundation. It might  
25 take us a few more minutes, but.



1 BOARD CHAIRMAN ZANE: Thank you.

2 MR. LEWIS: We'll clear it up.

3 BY MR. LEWIS:

4 Q. Mr. Harris, as part of your investigation  
5 duties, you familiarize yourself with the controlling  
6 statutes, correct?

7 A. Correct.

8 Q. Okay. And how long have you been an  
9 investigator?

10 A. I have been with the private investigator's  
11 board for a little over two years.

12 Q. And in those two years, you had how many  
13 occasions to investigate if an individual or company is,  
14 in fact, a nonlicensed dog handler?

15 A. I can't give a specific. There have been quite  
16 a few.

17 Q. Hundreds?

18 A. I wouldn't say hundreds.

19 Q. At least dozens?

20 A. Yes.

21 Q. And part of your job duty in those dozens of  
22 investigations over multiple years is to determine  
23 whether, determine whether or not an activity is, in  
24 fact, violative of the statute, correct?

25 A. Correct.

1 Q. Okay. So in order to determine if something is  
2 violative of the statute, you need to have an  
3 understanding of that statute. Would you agree with me?

4 A. Correct.

5 Q. And in this case, the issue in which my client  
6 is being challenged with would be advertising for  
7 protection dogs, correct?

8 A. Correct.

9 Q. And you made a professional opinion that, in  
10 fact, the advertisements did, in fact, violate that,  
11 right?

12 A. Correct.

13 Q. Okay. So if I look at 648.0065, I don't see  
14 anything in that statute that defines "competition."  
15 Would you agree with me?

16 MS. PALMER: Objection. That calls for a legal  
17 conclusion.

18 MR. LEWIS: Perhaps I can ask --

19 MS. PALMER: Are you just asking him to read  
20 the statute; is that what you --

21 MR. LEWIS: Sure.

22 MS. PALMER: -- are asking him?

23 MR. LEWIS: I think, I've got the foundation  
24 he's been doing it for years.

25 ///

1 BY MR. LEWIS:

2 Q. But if you would like to, Mr. Harris, you can  
3 take a look right at my copy. It sounds like you're  
4 quite familiar with that section, though. You would  
5 agree, right?

6 A. Correct.

7 Q. Okay. Is the word "competition" in there  
8 anywhere, sir, besides my handwritten note?

9 A. Yes, it is. It says: Dog handler means any  
10 person who, for competition, handles, supplies --

11 MS. PALMER: I think, you may be misreading.

12 THE WITNESS: Or compensation -- sorry --  
13 handles, supplies or trains dogs for the protection or  
14 safety of a person for property, or property.

15 BY MR. LEWIS:

16 Q. Okay. So just so the record's clear, within  
17 that section, is -- the word "competition" is not  
18 mentioned, correct, sir?

19 A. Correct.

20 Q. But "compensation" is?

21 A. "Compensation" is, yes.

22 Q. Okay. So someone can't be paid to train a dog  
23 for protection; you would agree with me?

24 A. Correct.

25 Q. And as part of your investigation, that's what

1 you are looking for, to see if someone is, in fact,  
2 advertising to be paid to train, quote, unquote,  
3 protection dog, correct?

4 A. Correct.

5 Q. Okay. And it was not in your scope to find out  
6 and/or cite somebody for advertising to train a canine  
7 for competition, quote, unquote, purposes, correct?

8 A. Correct.

9 Q. Okay. And, now, I just wanted to make sure  
10 that we are on the same page in what you're looking for.

11 A. Okay.

12 Q. Hopefully, the rest of this will go smoothly.  
13 It appears as if on multiple occasions you had the  
14 opportunity to speak with Custom K9s, either my client,  
15 Ms. Davis, or Mr. Davis; is that true?

16 A. Correct.

17 Q. Okay. It also appears that the Davises' first  
18 interaction with you was that, jeez, I'm sorry, I didn't  
19 realize that there is a rule here in Nevada, we'll make  
20 our changes. Is that a good summary?

21 A. Correct.

22 Q. And, in fact, you specifically mentioned the  
23 webpages that my client had in Exhibit 2 and Exhibit 3  
24 were webpages that you discussed with Custom K9s in  
25 regard to your investigation; would you agree?

1 A. Correct.

2 Q. Okay. And after your discussion, you agree  
3 with me that they voluntarily made the changes to remove  
4 the violative language from exhibits 2 and 3, right?

5 A. Yes, they did.

6 Q. Okay. And Mr. Davis and Mrs. Davis appeared to  
7 be professional and courteous and understanding of your  
8 issues the entire time; would you agree?

9 A. Yes.

10 Q. And, in fact, they wanted to comply once you  
11 pointed out to them the issues that their advertising  
12 had, right?

13 A. Correct.

14 Q. Now, I understand that some time later, after  
15 your initial discussions, you actually went through the  
16 webpage with either Mr. or Mrs. Davis in your office to  
17 make sure that, per your interpretation of what was  
18 required, they complied?

19 A. When they removed it, they were not in the  
20 office. I checked after I spoke with Terry regarding  
21 removing it, and that was approximately a week later,  
22 and I pulled it up and did verify that it was removed,  
23 and it specifically said "Connecticut."

24 Q. And Mr. Davis -- that brings up a good point.  
25 Mr. Davis had represented to you that he had performed

1 dog training in multiple other states; is that true?

2 A. I believe so.

3 Q. And that he currently and actively trains and  
4 sells dogs in states other than Nevada; do you believe  
5 that to be true?

6 A. That's what he said, yes.

7 Q. Okay. Did you do any investigation to see if  
8 the laws in Nevada were different than the other states  
9 that he told you about?

10 A. I did some; and some states don't. Basically,  
11 like California, they don't have it to where it's  
12 governed by like a private security.

13 Q. And Mr. and Mrs. Davis pointed out to you that  
14 we had in the past been working in California and  
15 Connecticut and currently working there, and, to  
16 summarize, we're sorry we missed the law here in Nevada,  
17 and we'll make our changes. Is that a good summary?

18 A. He didn't say anything about California. He  
19 did refer to Connecticut, yes.

20 Q. Okay. All right. Now, some time later goes  
21 on, and you are satisfied that the Custom K9s is in  
22 compliance, and you get another e-mail that points out  
23 the Facebook pages we have listed in Exhibit 5; is that  
24 true?

25 A. Yes. That was during the course of her

1 background investigation, yes.

2 Q. Okay. So it's part of the background. And did  
3 you make Custom K9 aware of the Facebook violation?

4 A. Director Ingram phoned Susan Davis at the time  
5 and spoke with her regarding the entire situation. I  
6 was instructed to issue them a citation.

7 Q. And have you checked to see if, after the  
8 Director had that conversation, that, in fact, the  
9 Facebook page was changed?

10 A. I have not, no.

11 Q. Okay. When we look at the exhibit, there's two  
12 different pages to Exhibit 5.

13 A. Correct.

14 Q. The first page is Bates-stamped 29. And, I  
15 believe, your testimony was that the problem that you  
16 have with this advertising is the, quote, family  
17 protection K9s, end quote?

18 A. Yes.

19 Q. If we were to go to Exhibit 30, there is no  
20 specific indication for protection in that exhibit;  
21 would you agree with me?

22 A. Correct. It just says "sales of trained K9s."

23 Q. So you don't have an objection to that portion  
24 of the Facebook page, do you; is this just provided so  
25 that the phone number, et cetera, can be listed on

1 there?

2 A. That would be correct. It would just depend on  
3 what type of trained canines they're offering.

4 Q. And if you could clarify for me, because I  
5 don't quite understand the withdraw of the initial  
6 citation after cooperation of the Davises, and then it  
7 appears as if it was reinstated. So now we have two  
8 citations?

9 A. Are you talking about the very first one, when  
10 they came in, and they discussed, and they broke  
11 everything down for us?

12 Q. Yes.

13 A. How they broke everything down to us and  
14 explained everything, and then, when we looked at it, we  
15 felt that they were genuine in how they were breaking  
16 everything down. And they were saying that they were  
17 not selling or providing security trained dogs in  
18 Nevada.

19 Q. And that they were selling competition dogs?

20 A. They were selling competition dogs and training  
21 competition dogs. That was the reason for the  
22 withdrawal of the initial citation after our meeting  
23 with them.

24 Q. Okay. And, in fact, you did some research at  
25 that time, I believe, was your testimony --



1 A. Yes.

2 Q. -- to confirm that the type of training that  
3 the Davises indicated to you that they were performing  
4 for these dogs was, in fact, such that you felt, at the  
5 time, okay?

6 A. Correct, yes.

7 Q. Not to be violative?

8 A. Yes.

9 Q. Okay. But you would -- I believe, your  
10 statement was there are some portions of that  
11 competition that perhaps could be interpreted as  
12 security protection-type?

13 A. Correct.

14 Q. And would be bite work?

15 A. That would be bite work and how they were doing  
16 the bite work.

17 Q. So, so you came through your -- your  
18 investigation to realize that there were official  
19 competitions that took place regarding dogs that also  
20 included bite work, correct?

21 A. Correct.

22 Q. Okay. So, now, if you could clarify for me.  
23 That initial citation was withdrawn because of  
24 cooperation. Now you find, during the investigation of  
25 the licensure, that, woops, there's another

1 advertisement.

2 A. Correct.

3 Q. And now another citation becomes issued.

4 How -- I guess, I should ask this. How much is the fine  
5 now; is it the \$2,500 because the first one was  
6 withdrawn, or is it \$5,000 because now there's really  
7 two?

8 A. Well, 'cause how we said it in the very  
9 beginning, if we discover or we find out that you are  
10 advertising or providing training, that we would issue a  
11 second citation. That's why it was initially issued and  
12 for \$5,000.

13 Q. So it's your understanding that as we sit here  
14 today at this hearing, that the outstanding fines for  
15 the advertising issues is \$5,000?

16 A. No. It was actually revised because of we  
17 withdrew the first one. So the \$5,000 citation was  
18 revised, and it became the first citation for 2,500.

19 Q. So, and I can rephrase. So as we sit here  
20 today, we actually have an individual first citation for  
21 \$2,500?

22 A. Correct.

23 MR. LEWIS: All right. Thank you for making  
24 that clear.

25 I'm hoping I'm not the only one that didn't

1 understand that, but perhaps I -- I don't have any other  
2 questions for your witness.

3

4

REDIRECT EXAMINATION

5 BY MS. PALMER:

6 Q. Mr. Harris, can you tell me the reason why you  
7 issued the citation to Ms. Davis?

8 A. The second one?

9 Q. The citation that we're here for today.

10 A. Okay.

11 Q. Which, to make clear for the record, is  
12 Exhibit 1. Is that correct?

13 A. Correct.

14 Q. And would you please reflect what page in  
15 Exhibit 1, or pages.

16 A. Two, three, four.

17 Q. And that's the citation that we're here for  
18 today?

19 A. That is correct, that's the citation we are  
20 here for today.

21 Q. And what was the reason you issued that  
22 citation?

23 A. This one was for the Facebook advertisement.

24 Q. And would please refer to what pages of the  
25 exhibit you're referring to, so that it's clear for the

1 record.

2 A. This is Exhibit 5, let's see, 29 and 30 of  
3 Exhibit 5.

4 Q. And what was it in particular about -- was it,  
5 was it limited to Exhibit 5; was it based on your  
6 complete investigation; what was the reason for  
7 determining that you believed the individual was in  
8 violation of the statute?

9 A. The advertisement for family protection, when  
10 they were instructed prior to remove all and any  
11 advertisement, from the initial conversation I had with  
12 Terry.

13 Q. Is the reason why you issued this citation?

14 A. Was the advertisement of family protection.

15 Q. And would you please reflect what page you're  
16 referring to.

17 A. This is page 29 of Exhibit 5.

18 Q. And does page 30 have any relevance as to why  
19 you issued the citation?

20 A. How they worded "trained K9s," it kind of left  
21 it open. So it could have been more than family  
22 protection. But the phone number was the same, Custom  
23 K9s. That was the reason for the citation.

24 Q. Is there a connection between page 29 and page  
25 30?

1 A. Just the phone number.

2 Q. I'm not clear on that.

3 A. Okay.

4 Q. I mean how -- are these documents -- where did  
5 they come from?

6 A. They came off of the Facebook advertisement.

7 Q. So is that one page, is it two pages, if you  
8 know?

9 A. I'm not positive. But I believe that it's  
10 right below Custom K9s. I didn't see the actual post.  
11 I just received the e-mails.

12 Q. And you received the e-mails from?

13 A. Director Ingram.

14 MS. PALMER: Okay. I'll rest with this  
15 witness.

16 MR. LEWIS: Okay. I just have one clarifying  
17 question, since you re-asked.

18

19 RE CROSS-EXAMINATION

20 BY MR. LEWIS:

21 Q. Mr. Harris, did you come to understand that  
22 Custom K9's explanation for their Facebook page was, I'm  
23 sorry, we just missed that one advertisement?

24 A. I wasn't privy to that conversation with  
25 Director Ingram. That was between Director Ingram and

1 Susan Davis.

2 Q. Yeah, but do you understand that that, in fact,  
3 took -- that conversation took place?

4 A. I believe so, based off of me issuing the  
5 citation. I'm not certain because I wasn't there.

6 MR. LEWIS: Okay. I don't have any other  
7 questions.

8 MS. PALMER: I'd like to follow up on one  
9 questioning.

10

11 FURTHER REDIRECT EXAMINATION

12 BY MS. PALMER:

13 Q. What is your understanding of the conversation  
14 that took place between Director Ingram and Ms. Davis?

15 A. My understanding is when he spoke with her,  
16 this advertisement was there. So that's why we were  
17 issuing the citation, because of the advertisement.

18 MS. PALMER: Okay.

19 MR. LEWIS: No follow-up.

20 MS. PALMER: All right. I'd like to call my  
21 next witness, which is Executive Director Ingram.

22 MS. BRADLEY: Excuse me. President Zane, if  
23 the Board has questions for this witness, now would be  
24 the time for the Board members to ask questions of this  
25 witness. And, normally, that's what we would do after

1 every witness is called. The parties do their  
2 questioning, and then the Board has an opportunity to  
3 ask questions, if there are some.

4 BOARD CHAIRMAN ZANE: Thank you.

5 Any Board questions?

6 BOARD MEMBER FLYNN: I do have one.

7 Jason, if you could be ever so kind to just  
8 summarize. In your opinion, why did you issue the  
9 second citation?

10 THE WITNESS: The reason for the second  
11 citation was strictly off of the advertisement, which  
12 falls under our laws.

13 BOARD MEMBER FLYNN: Thank you.

14 MR. HARRIS: You're welcome.

15 BOARD CHAIRMAN ZANE: Any other Board  
16 questions?

17 BOARD MEMBER MAHEU: No.

18 BOARD MEMBER NADEAU: (Shook head negatively.)

19 BOARD CHAIRMAN ZANE: Thank you.

20 MS. PALMER: We would like to call our next  
21 witness, which is Mr. Ingram.

22 MR. INGRAM: Would you like me to come down  
23 there, or can I testify from here, or?

24 MS. PALMER: No, you should come here.

25 BOARD CHAIRMAN ZANE: Have you been sworn,

1 Mr. Ingram?

2 MR. INGRAM: Yes.

3 BOARD CHAIRMAN ZANE: He's been sworn.

4 MS. PALMER: He has not been sworn for this.

5 You were only sworn --

6 MR. INGRAM: Not specifically.

7 MS. PALMER: So, no, the answer's no.

8 MR. INGRAM: Okay.

9 MS. BRADLEY: Okay. Mr. Ingram, would you  
10 please raise your right hand.

11 Do you swear that the testimony you're about to  
12 give before the Board is the truth, the whole truth and  
13 nothing but the truth, so help you god?

14 MR. INGRAM: I do.

15 MS. BRADLEY: Thank you.

16

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

18 having been first duly sworn by Board counsel,

19 was examined and testified as follows:

20

21 DIRECT EXAMINATION

22 BY MS. PALMER:

23 Q. Mr. Ingram, would you please state your name  
24 and your title. Well, you already stated your name.  
25 Would you please tell us what your title is.



1           A.    I'm the Executive Director of the Private  
2 Investigator's Licensing Board.

3           Q.    And what are your duties and responsibilities?

4           A.    To oversee the entire operation of the Private  
5 Investigator's Licensing Board as the head of Board  
6 staff for the State of Nevada.

7           Q.    And how long have you been doing that job?

8           A.    A little over three years.

9           Q.    Okay.  Was there a point in time when you  
10 became acquainted with Ms. Susan Davis or Terry Davis?  
11 Well, I'll start with Ms. Susan Davis.

12          A.    Yes, there was.

13          Q.    And how did that contact come to be?

14          A.    Through interactions with Board staff, the  
15 criminal investigators had been working with the Davises  
16 on some citations.  There came a time when there was  
17 some uncertainty as to whether the citation was valid or  
18 not.  And upon observation by Investigator Harris at a  
19 park back in March of some training that was taking  
20 place, he and Investigator Yarborough came to me and  
21 asked for my opinion on what they observed.  And at that  
22 time, I suggested that we make a meeting with Ms. Susan  
23 Davis to discuss what they were actually -- what kind of  
24 training they were providing.

25          Q.    Was there a meeting; and if so, do you recall

1 approximately when that was?

2 A. It was sometime in March, I'm going to say  
3 probably the middle of March.

4 Q. Of what year?

5 A. Of 2015.

6 Q. So the meeting occurred?

7 A. Yes, it did.

8 Q. And where did that take place?

9 A. In my office.

10 Q. And what happened during the course of that  
11 meeting?

12 A. Both Ms. Susan Davis and Terry Davis came to  
13 the meeting. And the investigators informed me of what  
14 they had observed and why they had written the citations  
15 and that they had withdrawn a citation and now felt  
16 that, you know, we needed some more clarification.

17 When they came in, I asked them specific  
18 questions about the training that they provide for  
19 competition. They were very informative, had knowledge  
20 beyond anything I had ever heard of. This French ring  
21 sport is quite entertaining. And I asked them specific  
22 questions, and do they sell and train protection dogs in  
23 the state of Nevada, which they denied.

24 And I brought to their attention that the type  
25 of advertisement for services was also in violation of

1 our statutes and explained to them in length that that  
2 would include business cards, Facebook accounts, e-mail  
3 signatures, websites, fliers, you know, anything that  
4 was advertised here in Nevada that they provided those  
5 services in Nevada.

6 Q. And did they provide a response to the  
7 information you had provided to them?

8 A. They assured me that they were not conducting  
9 any of those services. However, I think it was  
10 Ms. Susan Davis that had, "You know, we do sell  
11 protection dogs in Connecticut, and that might be  
12 something we're interested in bringing to Nevada."

13 So at that time, I explained the licensing  
14 process, assured them that we would do everything on how  
15 to help them gain a license here in this state if they  
16 chose to move forward with that. Which, when they left,  
17 I felt that they would be following up with an  
18 application for licensure, which they did a month later.

19 Q. And at this point in time when you were having  
20 this conversation, had any violations been issued at  
21 that point in time, if you recall?

22 A. Right. There was the initial citation that was  
23 issued to them that, once they came and met with  
24 Investigator Yarborough and Investigator Harris, had  
25 been withdrawn at that time.

1 Q. And were you advised that there had been a  
2 violation issued and withdrawn?

3 A. Yes.

4 Q. And were you given any other information  
5 regarding that violation?

6 A. Not to my recollection.

7 Q. Okay. So after that meeting, do you know what  
8 happened next?

9 A. Well, and, again, they applied for licensure  
10 the following month. The background investigation was  
11 being done. I happened to be at home one night with my  
12 wife on the iPad looking through her Facebook. And --

13 Q. Who's "her"?

14 A. My wife.

15 Q. Okay.

16 A. Okay. She has the Facebook account. And  
17 something caught my eye, because one of her friends had  
18 liked a webpage, or a Facebook page, I'm sorry, for  
19 Custom K9. And it populated on my screen. And I found  
20 that pretty interesting based on the conversation we had  
21 had, you know, several months before, or a month before.  
22 And it specifically said "Dog training in Las Vegas."  
23 It specifically said service dog and family protection  
24 K9s. And --

25 Q. May I stop you?

1 A. Sure.

2 Q. May I stop you for a moment? I'd like for you  
3 to take a look at Exhibit 5.

4 A. Yes.

5 Q. Do you recognize that document?

6 A. Yes. This is the picture that I took off of my  
7 wife's iPad.

8 Q. And when you say "picture," which page are you  
9 referring to?

10 A. I'm referring to 00029.

11 Q. And when you saw that, that advertisement,  
12 what, what impressions did you have?

13 A. Well, immediately, I thought, okay, they've  
14 violated our agreement, because they are, they're  
15 talking about dog training in Las Vegas, sells service  
16 dogs and family protection. So I touched it to open up  
17 the link. And it went to the item that's shown as item  
18 number 30, where it now opens up and it says "About:  
19 Dog training in Las Vegas, and sales of trained K9s."

20 So that's not what I was worried about. It's  
21 that that was linked to item number 29, which then  
22 verified that not only are they advertising, but they're  
23 providing a local number for that advertisement.

24 Q. What did you do then as a result of obtaining  
25 that information?

1           A.    I came back to the office, and I contacted  
2 Ms. Davis, brought it to her attention. I actually  
3 forwarded these pictures to her for her to review and  
4 told her that I would be having my investigators issue a  
5 citation for the advertisement.

6           Q.    Did you tell her what the amount of that  
7 citation would be?

8           A.    I did not. That was determined after  
9 discussing it with Investigator Harris.

10          Q.    And when you had that discussion with  
11 Investigator Harris, what happened next?

12          A.    He informed me that they -- excuse me, that he  
13 and Investigator Yarborough had discussed with them that  
14 they would be issuing a second citation if evidence  
15 arose that they actually were advertising or selling  
16 personal protection or family protection canines, in the  
17 amount of \$5,000. So at that time, I authorized them to  
18 issue the citation for \$5,000.

19          Q.    And after you authorized the issuance of the  
20 citation for \$5,000, did you receive a response from  
21 Ms. Davis or Mr. Davis regarding the citation?

22          A.    Yes, I did. I received an e-mail from Susan  
23 Davis requesting to appeal. And originally in appeal  
24 she had mentioned \$2,500. And I clarified in my  
25 response that it was actually, pursuant to the

1 conversation that previously had with them, that the  
2 amount was actually \$5,000 that she would be appealing.

3 Q. So is the \$5,000 violation why she's here  
4 today?

5 A. No, it's not.

6 Q. And why is that?

7 A. After further communication with the  
8 investigators and finding that they actually withdrew  
9 the citation instead of waiving the fine, I found it in  
10 our best interest to not issue a \$5,000 citation,  
11 because it was actually withdrawn, not that the citation  
12 was given and that they used it as a citation waiving  
13 the amount.

14 So had they waived the amount, then the second  
15 citation, in my opinion, would have stood as a good  
16 citation for \$5,000. However, I felt it was in the best  
17 interest of us, the Board and the individual that we're  
18 working with, in trying to resolve the issue, that they  
19 should actually be issued a citation in the amount of  
20 2,500.

21 I contacted her, let her know that my failure  
22 to identify originally that it was a withdraw and not a  
23 waiving of the citation amount, that I would reissue the  
24 citation in the amount of 2,500. We had a little bit of  
25 a discussion about it. She asked me if it was in their

1 best interest to just pay the fine and move forward with  
2 licensure. I told her I could not give legal advice.  
3 That was entirely up to her and Terry on whether they  
4 wanted to pay the citation or not. However, they had an  
5 opportunity to appeal that as well.

6 She then responded, either later that day or  
7 maybe even the next day, and said we wish to go ahead, I  
8 wish to go ahead and appeal the \$2,500 citation as well.  
9 That's why we're here today.

10 Q. And just for the record, if you'd take a look  
11 at Exhibit 1.

12 A. Okay.

13 Q. On page two of that exhibit.

14 A. Yes.

15 Q. Is that the citation that was issued that  
16 brings us here today?

17 A. It is, revised 11-2 of 2015.

18 MS. PALMER: Thank you. I'll pass the witness.

19

20 CROSS-EXAMINATION

21 BY MR. LEWIS:

22 Q. Director Ingram, you were present in the room  
23 when Investigator Harris was testifying, correct?

24 A. Correct.

25 Q. Okay. I would assume you'd agree with all of



1 his testimony?

2 A. Yes, uh-huh (affirmative).

3 Q. And let me point to a few things.

4 A. Okay.

5 Q. The language that you just used a minute ago to  
6 discuss your relationship, your working relationship  
7 with my clients, was it -- you've been working together,  
8 correct?

9 A. Correct.

10 Q. And that would be a fair assessment that your  
11 office and their company have been working together for  
12 quite some time now to make sure that everybody's on the  
13 same page; is that fair?

14 A. I would agree.

15 Q. At each instance where either -- strike that.  
16 Let me rephrase. In each instance where your office has  
17 communicated with the Davises, you would agree with me  
18 that their response to you had been prompt?

19 A. Yes.

20 Q. You would agree that their responses were  
21 informative?

22 A. Yes.

23 Q. You would agree that their responses were  
24 always an attempt to make sure they were doing the right  
25 thing?

1 A. Yes.

2 Q. Okay. All right. And you would agree with me  
3 that even up until this hearing, that the department and  
4 my clients were really working together to make sure  
5 that, again, they're aboveboard and everything is going  
6 among smoothly, correct?

7 A. Yes.

8 Q. You would agree with me that once the Davises  
9 were advised that you need a license to do protection  
10 dogs, they actually went ahead and applied for the  
11 license?

12 A. That's correct.

13 Q. You would agree with me that the  
14 investigation -- and, I believe, Mr. Harris testified  
15 earlier that the investigation into the background of  
16 Ms. Davis to obtain the license went, for the most part,  
17 smoothly besides the coming up of this Facebook ad.  
18 Correct?

19 A. Um.

20 Q. Let me rephrase that question. She -- her  
21 background, her background revealed no criminal issues  
22 that would cause her to be denied; you would agree?

23 A. That's correct.

24 Q. Her financial check, with the same result?

25 A. Correct.

1 Q. Is there a test or some sort that she also had  
2 to take, and she passed that?

3 A. Yes, that's correct.

4 Q. There came a time when Ms. Davis and you  
5 discussed the Facebook page, and she indicated to you  
6 that it was not her intent to have that Facebook page  
7 list family protection dogs; is that true, that it was a  
8 mistake, that she should have changed that, but she  
9 missed it?

10 A. I can't answer that with a yes or no, but I can  
11 give you an explanation if that would be --

12 Q. Sure.

13 A. Okay.

14 Q. Please.

15 A. In our conversation, she told me that that was  
16 a national advertisement that they do and that she had  
17 forgotten about the national advertisement and didn't  
18 feel like they should be responsible for a national  
19 advertisement versus the advertisements that they had  
20 changed at our request.

21 Q. And so, so, again, her -- your understanding of  
22 what she told you was it was a mistake that the  
23 Las Vegas and protection dogs were in the same  
24 advertisement, that, in fact, the company's intent was  
25 protection dog goes to the other states in which they're

1 operating; is that a fair assessment?

2 A. I really can't agree with that.

3 Q. Okay. You would agree with me that the webpage  
4 and all other advertising that my client performed,  
5 besides this Facebook ad, had been accurately changed to  
6 satisfy the requirements of the state?

7 A. That's correct.

8 Q. Okay. And, in fact, the only area that you're  
9 aware of where that wasn't changed would be this one  
10 section, one page of the Facebook account, correct?

11 A. Well, that plus the relationship, once you  
12 click on this, that it opens up the local phone number  
13 as well to verify the location.

14 Q. Correct. So the Facebook account?

15 A. That's correct.

16 Q. All right. And do you know if the Facebook  
17 account has been changed since your telephone call to  
18 Ms. Davis?

19 A. It has. Because the Custom K9 continues to  
20 come up; however, this no longer shows.

21 Q. All right. So as you sit here today  
22 testifying, in terms of the issue of advertising of  
23 protection dogs, it would be your testimony that my  
24 client is now, as far as you're aware, 100 percent in  
25 compliance with the Nevada regulations?

1 A. As far as I'm aware, yes.

2 MR. LEWIS: All right. I don't have any other  
3 questions for you.

4 MS. PALMER: I'd like to redirect.

5

6 REDIRECT EXAMINATION

7 BY MS. PALMER:

8 Q. Mr. Ingram, why is there a concern with  
9 advertising in the state of Nevada if you're not  
10 licensed?

11 A. Well, we have a specific statute that requires  
12 anyone engaging in the business of, or advertising their  
13 services as such, that it violates NRS 648.060.

14 Q. Do you have an understanding, through your  
15 training and experience, why somebody shouldn't be  
16 advertising without a license, or the purpose for which  
17 that particular statute exists?

18 A. I'm sorry. I don't understand.

19 Q. Do you have an understanding of why you can't  
20 advertise without a license in the state of Nevada?

21 A. Oh, absolutely. If you're advertising, you  
22 are, basically, soliciting services, you're soliciting  
23 possible bids. We have another statute that prohibits  
24 anyone from bidding on any type of a service that is  
25 regulated by our statutes and regulations. And a bid,

1 as such, is a violation of, again, NRS 648.060, and  
2 those bids are considered to be null and void.

3 Q. What was the reason that despite your  
4 interactions with the company, that you issued this or  
5 that you authorized the issuance of this citation?

6 A. The reason that I authorized the issuance of  
7 the citation was because of the conversation we had. I  
8 went in great detail of what "all advertisements"  
9 included.

10 Q. What conversation are you referring to?

11 A. I'm referring to the conversation we had with  
12 Susan and Terry Davis in March.

13 Q. And was that before this advertisement  
14 (indicating)?

15 A. It was. This, this advertisement showed up  
16 August 7th. I have those pictures on my phone today to  
17 show the date stamp that I actually took them.

18 MS. PALMER: If I may have the Board's  
19 indulgence.

20 BY MS. PALMER:

21 Q. Mr. Ingram, are you familiar with NRS 648.060?

22 A. Yes.

23 Q. Does the statute differentiate between a  
24 willful violation or a mistake?

25 A. No.

1 MS. PALMER: Thank you. I rest.

2 MR. LEWIS: May we have a short break?

3 BOARD CHAIRMAN ZANE: You want a break?

4 MR. LEWIS: Please. Yeah, five minutes.

5 BOARD CHAIRMAN ZANE: Ten? Ten minutes,  
6 please. Will 10 work?

7 BOARD MEMBER FLYNN: I've got questions when we  
8 come back.

9 MR. LEWIS: Or do we want to have the Board  
10 question the witness before we break?

11 BOARD MEMBER FLYNN: Just a real quick one I  
12 got.

13 MR. LEWIS: Yeah, why don't we do that?  
14 Are we still on the record?

15 THE REPORTER: Yes.

16 MR. LEWIS: Are we still on?

17 THE REPORTER: Yes, we're on. Yes.

18 MR. LEWIS: Okay.

19 THE REPORTER: Yes.

20 MS. BRADLEY: What happened?

21 MS. PALMER: The -- well.

22 MR. LEWIS: We're going to allow the Board -- I  
23 asked for a recess that was granted. But then perhaps  
24 we should have the Board members question the witness  
25 before the break.

1 MS. BRADLEY: Okay. As long as you're okay  
2 with that happening before you question the witness.

3 MR. LEWIS: Well, I've already questioned him.  
4 So I'm good. I have no other questions.

5 MS. BRADLEY: Okay.

6 BOARD MEMBER FLYNN: Director Ingram, there's  
7 been some mention this morning about Custom K9 applying  
8 for a license through the Private Investigator's  
9 Licensing Board now or --

10 THE WITNESS: That is correct.

11 BOARD MEMBER FLYNN: Can you educate us as to  
12 the status of where that application's at?

13 THE WITNESS: Well, that application would  
14 normally be heard on day one of the Board meeting, which  
15 would have been yesterday, December 9th. However, with  
16 the outstanding unlicensed activity citation appeal,  
17 that cannot be heard prior to the appeals. So  
18 directly following unlicensed activity appeals, they  
19 will; they are on the agenda today for review of  
20 licensure.

21 BOARD MEMBER FLYNN: Okay. I just want to get  
22 that on the record. Thank you.

23 THE WITNESS: Uh-huh (affirmative).

24 BOARD CHAIRMAN ZANE: Any other Board  
25 questions?



1 BOARD MEMBER COLBERT: No.

2 MS. BRADLEY: I don't think there's any up  
3 here.

4 BOARD CHAIRMAN ZANE: Okay. All right. We'll  
5 take a 10-minute break.

6 MR. LEWIS: Thank you.

7 BOARD CHAIRMAN ZANE: Thank you.

8 \* \* \* \* \*

9 (A break was taken, 11:20 to 12:20 p.m.)

10 \* \* \* \* \*

11 BOARD CHAIRMAN ZANE: Call the meeting back to  
12 order.

13 Are you ready?

14 MS. BRADLEY: Yes, we're ready.

15 BOARD MEMBER NADEAU: Yeah, the 10 minutes.  
16 Yeah, we're ready.

17 BOARD CHAIRMAN ZANE: Okay. And when we were  
18 done, we had -- Mr. Ingram finished his testimony.

19 Are we ready to proceed?

20 MS. PALMER: Mr. Chairman, we believe we have a  
21 resolution to all of the matters and that we can move  
22 into the licensing phase, if we can put that information  
23 on the record.

24 BOARD CHAIRMAN ZANE: Any objection by the  
25 Board?

1 MS. PALMER: At least to hear it. I'm not  
2 asking you to agree to it. But at this point in time,  
3 we'd like to state what we have collectively agreed on.

4 BOARD MEMBER NADEAU: Okay. And I'm sorry. I  
5 didn't understand. What phase are we going into?

6 MS. PALMER: Well, at this point in time, we  
7 would like to present before the Board what our proposed  
8 resolution is to the two citation appeals. And then you  
9 can make a decision as to whether or not to accept or  
10 reject that. And then, if we get that resolved, we  
11 would move into the licensing phase of the hearing.

12 BOARD MEMBER NADEAU: Thank you.

13 MS. PALMER: So at this time, we're just asking  
14 that you'll listen to what it is that we're proposing.

15 BOARD MEMBER NADEAU: Okay.

16 BOARD MEMBER COLBERT: Okay.

17 MS. PALMER: We've reached a tentative  
18 settlement. Ms. Davis -- Ms. Davis and Custom K9 will  
19 stipulate to the first violation and pay a \$2,500 fine.

20 Information, new information has come before us  
21 that calls into question the status of the second  
22 citation. So we will be withdrawing that citation,  
23 because we have proof problems at this time. However,  
24 it's withdrawn pending the ability to bring it again if  
25 additional information demonstrates that there is, in

1 fact, a second violation.

2 Am I missing anything else?

3 MR. LEWIS: No. That's correct in terms of the  
4 citations.

5 MS. BRADLEY: And for the record, what are the  
6 citation numbers?

7 MS. PALMER: So the citation that they will be  
8 pleading guilty to is the revised citation, and this is  
9 what's reflected on Exhibit 1, page two, dated  
10 November 2nd, 2015, and that's citation I-67-15. That's  
11 the one that they'll be pleading guilty to, or  
12 stipulating to the violation having occurred, and paying  
13 a \$2,500 fine.

14 MS. BRADLEY: And then which one is withdrawn?

15 MS. PALMER: The one that is withdrawn -- the  
16 one that will be withdrawn at this time, pending the  
17 ability to bring it again, is I-104-15, which is on the  
18 next matter that hasn't been called before the Board  
19 yet.

20 MS. BRADLEY: Yeah, item number 12 on the  
21 agenda. Yeah.

22 MS. PALMER: Correct.

23 MS. BRADLEY: So just so the Board's clear,  
24 what that means is citation I-104-15 would be withdrawn  
25 without prejudice, which means that the Board could

1 investigate it, the Board staff, and they may bring it  
2 back. And then the first one would be resolved with a  
3 \$2,500 fine paid.

4 Normally, if there's a settlement or a  
5 stipulation before the Board, you would vote to accept  
6 or reject that. And so it sounds like you've got two,  
7 you know, this is a two-part thing, and it would resolve  
8 items 11 and 12 on the agenda.

9 Is there a time frame for payment of the fine  
10 that was agreed to?

11 MR. LEWIS: There was no discussion, but  
12 whatever the Board would like, we'd be happy to comply  
13 with.

14 MS. BRADLEY: Okay. I would recommend, just as  
15 Board counsel, that the Board does put a timeframe on  
16 it, only because, generally speaking, if it's something  
17 that has to be sent to the Controller's Office at some  
18 point, you need a timeframe just so that you know  
19 exactly when it was due.

20 I don't think you'll have that problem with  
21 that person, because it's my understanding they want to  
22 be licensed by the Board. But it's still my  
23 recommendation that you always have a timeframe for a  
24 due date.

25 BOARD MEMBER FLYNN: Whatever you'd like.

1 MR. INGRAM: My recommendation -- Mr. Chairman,  
2 if I may?

3 BOARD CHAIRMAN ZANE: Please.

4 MR. INGRAM: My recommendation would be that  
5 the payment of the fine be paid in full prior to -- if  
6 the Board grants licensure on the next agenda item, that  
7 it be prior to that license being granted, or within 10  
8 working days, whichever is pertinent.

9 BOARD CHAIRMAN ZANE: Okay. Board questions?

10 MR. LEWIS: We have no objections.

11 BOARD MEMBER NADEAU: So, Mr. Chair, are you  
12 looking for motions as far as that goes; and would it be  
13 two separate motions, one to accept the stipulation and  
14 one -- or one to accept the fine on the one citation,  
15 the other one to accept the stipulation and withdrawal,  
16 or whatever?

17 MS. BRADLEY: It's my understanding that you  
18 would actually probably do it in one motion, only  
19 because, I think, they resolved both matters together.  
20 So. And I could be misunderstanding counsel. But the  
21 way they presented it sounds like you would be -- if you  
22 want to make the motion, your motion would be to accept  
23 a stipulation to the first citation, I-067-15, with a  
24 fine of \$2,500, to be paid within 10 working days or  
25 prior to the granting of the license that the person has

1 applied for, should the Board vote to grant that  
2 license. And then, at the same time, the second  
3 citation would be withdrawn without prejudice. And  
4 that, for the record, is I-104-15.

5 Is that correct?

6 MS. PALMER: That's correct.

7 MR. LEWIS: That is correct.

8 MS. BRADLEY: So you could make a motion to  
9 that effect. And then, helpfully, there'll be a second,  
10 and then you can vote on it.

11 BOARD MEMBER NADEAU: Are you prepared for a  
12 motion, Mr. Chair?

13 BOARD CHAIRMAN ZANE: Yes, sir. Yes, sir.

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

15 I move that in the case of Hon Ku, LLC doing  
16 business as Custom K9 Services, in citation I-067-15 and  
17 citation I-104-15, that the written stipulation  
18 agreement between the parties and the Board be accepted  
19 inasmuch as on the citation I-067-15, a fine assessment  
20 of \$2,500, to be paid prior to any licensure of Hon Ku,  
21 LLC doing business as Custom K9 Services; and that in  
22 the case of I-104-15, that the citation be withdrawn  
23 without prejudice.

24 I know that was long, but, I think, I got all  
25 the pieces in.

1 BOARD CHAIRMAN ZANE: Thank you.

2 There's a motion. Is there a second?

3 BOARD MEMBER FLYNN: Ray Flynn seconds.

4 BOARD CHAIRMAN ZANE: Okay.

5 BOARD MEMBER MAHEU: Comment.

6 BOARD CHAIRMAN ZANE: We have a motion. Do we  
7 have Board comment or questions?

8 BOARD MEMBER MAHEU: Comment.

9 BOARD CHAIRMAN ZANE: Comment.

10 BOARD MEMBER MAHEU: Mr. Nadeau, in your  
11 motion, you said that prior to being licensed.

12 BOARD MEMBER NADEAU: Correct.

13 BOARD MEMBER MAHEU: And the next, the next  
14 agenda item, on 13, is it where she's applying --  
15 they're applying for a license.

16 BOARD MEMBER NADEAU: Correct.

17 BOARD MEMBER MAHEU: And we're going to be  
18 asked to either grant or deny that license. That just  
19 confuses me.

20 BOARD MEMBER NADEAU: Yeah, maybe I should  
21 clarify. Before any license is issued, which means that  
22 we could approve licensure, but that license cannot be  
23 issued until the fine is paid.

24 MR. INGRAM: What if the license isn't granted?

25 BOARD MEMBER NADEAU: Well, this, too.

1 MS. BRADLEY: If it's denied, then it's 10  
2 days, yeah.

3 BOARD MEMBER NADEAU: Okay. Yeah. Okay. I  
4 mean I'm trying, I'm trying to work this out. Okay. So  
5 prior to any license is issued or, in any event, within  
6 10 days. How does that sound?

7 BOARD CHAIRMAN ZANE: Amend the second?

8 BOARD MEMBER FLYNN: I second.

9 BOARD CHAIRMAN ZANE: Okay. Any other Board  
10 questions? Is that clear? Does anybody have questions  
11 about the clarity of the motion?

12 MR. LEWIS: Clear on our side.

13 BOARD CHAIRMAN ZANE: Okay.

14 MS. PALMER: Our side as well.

15 BOARD CHAIRMAN ZANE: All right. Call for the  
16 vote. All in favor, say "aye."

17 (Board members said "aye.")

18 BOARD CHAIRMAN ZANE: Any opposed, say "no."

19 Hearing none, it passes unanimously. Thank  
20 you.

21 Item number 13. Hon Ku, LLC, dba Custom K9  
22 Services, applying for a new corporation Canine  
23 Handler's license.

24 Now, as our usual format, would you tell us a  
25 little something about yourself and what you'd like to



1 do with a canine license.

2 MS. DAVIS: Okay. My name is Susan Davis.

3 And my desire is to be able to sell canines in the  
4 state of Nevada as we do in other states and have that  
5 done with the proper license.

6 BOARD CHAIRMAN ZANE: Okay. Staff has  
7 concluded with their investigation --

8 MR. HARRIS: Yes.

9 BOARD CHAIRMAN ZANE: -- on the applicant?

10 MR. HARRIS: Yes.

11 BOARD CHAIRMAN ZANE: And is there anything  
12 that you found in the investigation that was problematic  
13 for the Board to consider?

14 MR. HARRIS: Nothing other than the citation  
15 that has been taken care of.

16 BOARD CHAIRMAN ZANE: Thank you.

17 Any Board questions?

18 BOARD MEMBER MAHEU: Was there some question  
19 previously about your husband working for you?

20 MS. DAVIS: He is a subcontracted employee and  
21 consultant. Correct.

22 BOARD MEMBER MAHEU: He can't be that, can he?

23 MR. INGRAM: My concern with that would be that  
24 Mr. Davis, as we've already heard testimony, is unable  
25 to possess a work card or a license in the state of

1 Nevada. And, therefore, my only concern would be, is  
2 that Mr. Davis cannot be involved in this business in  
3 any form or fashion. He can't train. He can't sell.  
4 And that would be my only concern with granting  
5 licensure at this moment.

6 BOARD MEMBER FLYNN: Remind us, because it's  
7 been a long morning with a lot of breaks.

8 MR. HARRIS: Yes.

9 BOARD MEMBER FLYNN: What is he an ex-felon  
10 for?

11 MR. HARRIS: Embezzlement.

12 BOARD MEMBER MAHEU: That's not correct.

13 MR. HARRIS: That's what we found on the  
14 Internet, yes.

15 MS. DAVIS: From a newspaper article or from  
16 actual charges?

17 MR. HARRIS: In --

18 MS. DAVIS: It's taxes.

19 MR. LEWIS: We can, obviously --

20 MR. INGRAM: And the charge?

21 MS. DAVIS: It's tax structuring.

22 MR. INGRAM: What is it?

23 MS. DAVIS: Tax structuring.

24 MR. INGRAM: Okay. Tax structuring. Okay.

25 BOARD MEMBER FLYNN: Question for the

1 applicant.

2 BOARD CHAIRMAN ZANE: Yes.

3 BOARD MEMBER FLYNN: Is he a registered  
4 ex-felon in the state of Nevada?

5 MS. DAVIS: I don't --

6 MR. LEWIS: Know?

7 MS. DAVIS: I don't, I don't know. I don't  
8 understand the -- I don't understand the question. I  
9 don't know.

10 BOARD MEMBER FLYNN: If you're convicted of a  
11 felony --

12 MS. DAVIS: Yes.

13 BOARD MEMBER FLYNN: -- by this United States  
14 government or any other of the states or territories in  
15 the United States, and you move to Nevada, you have to  
16 register as an ex-felon with the police department.

17 MS. DAVIS: Okay. He --

18 BOARD MEMBER FLYNN: If he has not done that,  
19 he's also in violation. If he's done that, then he's a  
20 registered ex-felon.

21 MR. LEWIS: If you know.

22 MS. DAVIS: I don't. I don't know.

23 BOARD MEMBER FLYNN: Okay. If you don't know,  
24 you don't know.

25 MS. DAVIS: Yes, I don't. I'm not involved in

1 that part of it. It was before me, and I don't know  
2 anything. I don't get involved in it. I don't know.

3 BOARD MEMBER FLYNN: So, to Director Ingram's,  
4 yeah, that would have to be a big issue. Because, I'm  
5 guessing, again, to the applicant, he's your master  
6 trainer, he's your main trainer?

7 MR. LEWIS: If I could, members of the Board,  
8 we had, obviously, pretty extensive discussions outside  
9 off the record. And we understand the concerns. And  
10 the discussions that we had with the Director and  
11 counsel was that we would agree to a probationary period  
12 for further investigation, as the Director seemed fit,  
13 to confirm or deny, as in our purpose, that Mr. Davis  
14 was, in fact, participating in the act of training of  
15 protection dogs. The thought being that  
16 Mrs. Davis's inspection, investigation is complete with  
17 flying colors.

18 We have established for a few hours here the  
19 goal and desire of the company to make sure we're in  
20 compliance and constantly work with the Director and the  
21 department to make sure we're in compliance. The next  
22 level is making sure Mr. Davis is in compliance. And by  
23 all means, I believe, you haven't heard anything to say  
24 that we don't keep acting in compliance.

25 So, if we can move forward with Mrs. Davis's

1 licensure, with the caveat of a probationary period, to  
2 make sure that the department is satisfied that  
3 Mr. Davis isn't violating anything, I think that that  
4 would probably be in everybody's best interest, not to  
5 penalize this lady for something that we are now  
6 learning. Again, just like the advertising, we learn,  
7 we move forward correctly. We've been moving forward  
8 together. And, again, the hope is that we can have some  
9 probationary period, so that she can get her license up,  
10 get operating and be in compliance with all the laws,  
11 make money like everyone in Nevada would like to do, but  
12 still make sure that any of the concerns are addressed.

13           And the Director can contact me directly, and  
14 we can set up inspections, paperwork, whatever he sees  
15 fit, and we'll immediately comply.

16           MS. PALMER: I just want to say one thing,  
17 since he brought up the fact that this was discussions  
18 that we were having out there. When he said that we  
19 would agree, he's not talking about that we had an  
20 agreement. What he's saying is that's something his  
21 client would agree to with the Board. That was not part  
22 of our agreement.

23           MR. LEWIS: Very true, counsel. I'm sorry if  
24 that wasn't clear.

25           MS. PALMER: So I want to make that clear. The

1 second --

2 BOARD MEMBER FLYNN: I want to make something  
3 clear. I still haven't had my question answered.

4 MS. DAVIS: Okay.

5 BOARD MEMBER FLYNN: Is he your master trainer?

6 MS. DAVIS: He is a trainer. He is not our  
7 only trainer. We have full-time staff in the  
8 Netherlands. We have full-time staff in France. We  
9 also have staff on the East Coast. He is one of many  
10 trainers. Master trainer, he does run our obedience  
11 program.

12 BOARD MEMBER FLYNN: Okay. Here in Las Vegas?

13 MS. DAVIS: All over the country.

14 BOARD MEMBER FLYNN: Okay.

15 MS. DAVIS: Including Las Vegas.

16 BOARD MEMBER FLYNN: Thank you.

17 MR. LEWIS: But, again, as part of the  
18 probationary period, we would make sure that he is  
19 having no, zero, interaction with protection dog  
20 training. And we're happy to open the doors at any time  
21 to make sure that everybody's comfortable with that. He  
22 will only train the dogs that are not protection dogs.

23 And for whatever time period you'd like the  
24 probationary period to be, we'll be happy to comply.

25 BOARD MEMBER MAHEU: What are you suggesting

1 that the probation be?

2 MR. LEWIS: I don't -- 90 days, 120 days.

3 BOARD MEMBER MAHEU: Mr. Davis is not going to  
4 get a work card.

5 MR. LEWIS: Absolutely. I understand.

6 BOARD MEMBER MAHEU: He's not going to be  
7 allowed to work in the state of Nevada.

8 MR. LEWIS: With protection dogs, absolutely.

9 BOARD MEMBER MAHEU: Protection dogs.

10 MR. LEWIS: I understand. We're not --

11 BOARD MEMBER MAHEU: So there's not really a  
12 probation period. It's like till they get -- you know.

13 BOARD MEMBER NADEAU: Yeah.

14 BOARD MEMBER MAHEU: Go ahead, Mr. Nadeau.

15 BOARD MEMBER NADEAU: Yeah, Mr. Chair. Thank  
16 you.

17 You know, I do have a question for the  
18 investigator, number one, and that is, did we do the --  
19 did we do the handler demonstration to our satisfaction;  
20 the ability to handle, supply and train dogs, did we do  
21 that testing?

22 MR. HARRIS: Yes, we did. We did that on  
23 November 24th, I believe.

24 BOARD MEMBER NADEAU: Okay. So she met the  
25 required, she met the qualifications for -- that we

1 require, the testing by Metro and that type of thing,  
2 correct?

3 MR. HARRIS: Yes, she did.

4 BOARD MEMBER NADEAU: Okay. Great.

5 BOARD MEMBER FLYNN: But, now, I'll follow up  
6 with your question, if I may, the handler for that  
7 testing.

8 BOARD MEMBER NADEAU: Can I go ahead and follow  
9 up with another comment?

10 BOARD MEMBER FLYNN: Please.

11 BOARD MEMBER NADEAU: And that is, as  
12 qualifying agent for this license, she's required to  
13 follow the statutes of 648. Therefore, if she violates  
14 those statutes, then she's going to be back before the  
15 Board again. It's not up to us to decide who she hires.  
16 It's up to us to enforce the statutes. She knows what  
17 the statutes require and what they prohibit.

18 So, therefore, in my opinion, I don't have  
19 great concern about her husband, because if he's used  
20 incorrectly, then she's going to be before us again, and  
21 her license will be at risk.

22 Now, that's my position. So I just wanted to  
23 get that on the record.

24 BOARD CHAIRMAN ZANE: Okay. Any other Board  
25 comment?



1 BOARD MEMBER FLYNN: Yeah, one question for  
2 staff.

3 Jason, who was the handler that did the  
4 testing?

5 MR. HARRIS: The handler was Susan Davis, and  
6 it was observed by Jason Duke, Metro K9.

7 BOARD MEMBER FLYNN: Okay. Thank you.

8 BOARD CHAIRMAN ZANE: Is there any public  
9 comment regarding the agenda item?

10 Yes, ma'am. Could you come forward, please, so  
11 you can be heard.

12 Identify yourself.

13 MS. ANDERSON: My name is Anna Anderson. I've  
14 known Terry and Susan Davis since Thanksgiving of 2014,  
15 worked for them on and off for a total of eight months.

16 I actually was working under the direction of  
17 Terry. I didn't know Susan was the business owner until  
18 later down the road. Terry has the business cards.

19 Terry portrays himself as the trainer. When I worked  
20 for them, he was the only trainer besides me. He spoke  
21 to me numerous times about wanting to open franchises  
22 across the states. He never told me if it happened yet.

23 Terry was training protection dogs. They  
24 convinced me to sell my shepherd. He was trained in  
25 French ring. It went to strictly protection for Esther

1 Graciolett, who's here today.

2 I have seen Terry hands-on training protection  
3 dogs, French ring sport dogs, obedience dogs. He  
4 portrays himself as the master trainer.

5 Susan -- I actually trained her, that shepherd,  
6 under the direction of Terry Davis. I never saw Susan  
7 train a dog a day in my life. I'd -- we'd be doing  
8 group sessions at their house in their backyard. He  
9 would ask her, "Can you come out and work your dog  
10 tonight?" And she would take direction from Terry.

11 At Spring Valley Park, where they do bite work,  
12 Susan is under direction of Terry. Terry is the  
13 trainer. Terry does all the directions. He does the  
14 lessons. You call the phone, you talk to him. You book  
15 with him. That's how I always did it in the past.

16 Terry's on the federal probation. I think,  
17 that's public knowledge. His wife is aware of that. I  
18 know that for a fact.

19 And it really bothers me that I was put in a  
20 position of helping to assist train protection dogs, not  
21 knowing you needed a permit for it. Not knowing. I  
22 was -- could have been liable for that. I had no clue  
23 when we were training Thor. French ring is very  
24 different from personal protection. You don't train in  
25 your vehicle for personal protection. You don't train

1 in a home or a garage. You don't say, "Watch 'em."

2 There is none of that.

3 They also were training a dog for a  
4 gentleman -- I don't know his name -- a shepherd called  
5 Tawny, home protection. A lady, Debbie Proctor, has got  
6 two, two littermates to my two Malinois. They were  
7 bought for protection dogs. The male I have now,  
8 supposedly he was sold originally at six months old as a  
9 business protection dog to a couple here in town. He  
10 ended up getting returned. I got him at eight months.

11 And so Susan's not a dog handler that I've ever  
12 seen. And, I think, anyone can testify to that if  
13 they've seen her. She's never giving directions. She's  
14 never taught a lesson that I have ever seen or I've ever  
15 heard about. Their Facebook page always talks about  
16 Terry, Terry, Terry; thank you, Terry; thank you, Terry;  
17 thank you, Terry.

18 When I knew them, they had a staff member  
19 called Christian that up and left in the middle of the  
20 daytime, one staff member besides Terry. Again, Terry  
21 was the trainer. They hired another guy called Romano  
22 Chavez or Chavez Romano -- I'm not sure of his name --  
23 the only other trainer. When I was there, I was the  
24 only other trainer, and I was doing -- he would come  
25 out, he would give me give minutes of direction. And I

1 was supposedly in a dog trainer certification course.  
2 There was no course required. There was no things to  
3 read, nothing to watch. It was do this to the dog, and  
4 then I was left alone.

5 Terry's the one that paid me. Terry's the one  
6 that told me what to do. Terry's the one that told me  
7 what dogs to work. Terry's the one that told me what  
8 dogs to handle. Period.

9 And so I wanted to put that on the record  
10 today.

11 BOARD CHAIRMAN ZANE: Thank you.

12 MR. INGRAM: Ms. Chairman, I just, I just asked  
13 a question of Mr. -- of Investigator Harris that is of  
14 new concern now based on that testimony.

15 Mr. Harris testified that Las Vegas Metro  
16 conducted the training and testing for the dogs. I just  
17 found out that Las Vegas Metropolitan Police Department  
18 allowed Terry Davis to be the decoy during that test for  
19 all parties that were tested that day. And I have some  
20 concern with that now.

21 BOARD CHAIRMAN ZANE: Okay. Any other public  
22 comment? From Carson?

23 Las Vegas?

24 Okay. Board comment, questions?

25 BOARD MEMBER MAHEU: I just have some comment,

1 and that's based on the sworn testimony that I just  
2 heard, as well as hearing earlier that --

3 MS. GRACIOLETT: Sorry. I'm sorry. Can I, can  
4 I just say a few things?

5 BOARD MEMBER MAHEU: Sure.

6 MS. GRACIOLETT: I'm sorry.

7 THE REPORTER: Excuse me, please.

8 BOARD MEMBER MAHEU: I don't know. She can't  
9 hear what you're saying.

10 MS. PALMER: She can't hear you. Speak up.

11 MS. GRACIOLETT: I'm sorry. My name is Esther  
12 Graciolett, and I'd like to say a few things.

13 I actually purchased a personal protection dog  
14 from Terry Davis. It was in January of 2015, this year.  
15 I never had any communication with Susan regarding  
16 purchasing the personal protection dog.

17 Susan had nothing to do with the training of my  
18 dog. It was Terry who trained the dog, to my knowledge.  
19 Susan was not the master trainer. Terry was the one who  
20 sold the dog to me. Terry was the master trainer. He  
21 advertised himself as the master trainer. Susan was  
22 sitting down at the park when I met them at the park.

23 So it's just --

24 BOARD CHAIRMAN ZANE: Just a minute. We're  
25 having difficulty hearing.

1 MR. INGRAM: Board counsel, that, your  
2 conversation is being picked up on the microphone.

3 MS. BRADLEY: Okay. I'm sorry.

4 BOARD CHAIRMAN ZANE: Sorry about that.

5 MS. GRACIOLETT: Another thing, too, is -- and  
6 I hope it's okay that I mention this. It's there's a --  
7 there's a document that was shown to me today that  
8 appears to be a forged document, another document that's  
9 been forged. And I'm going to get that document proven  
10 to be forged. So I will be back here in the future soon  
11 to prove that that document's been forged.

12 So that's all I have to say.

13 BOARD CHAIRMAN ZANE: Thank you.

14 MS. GRACIOLETT: Okay.

15 BOARD MEMBER NADEAU: Mr. Chair, I have a  
16 question.

17 BOARD CHAIRMAN ZANE: Okay.

18 MR. LEWIS: Yeah, but do we have the ability to  
19 respond to either one of those two?

20 BOARD MEMBER NADEAU: Mr. Chair, I have a  
21 question.

22 BOARD CHAIRMAN ZANE: Yes, sir.

23 BOARD MEMBER NADEAU: And this is of the  
24 executive, of Kevin.

25 I asked a question if she was tested and she

1 passed the testing. That's really a critical piece of  
2 this, of this thing. Did I misunderstand? I thought we  
3 were told that she did pass it.

4 MR. INGRAM: She did pass the exam. My concern  
5 now, though, in asking Investigator Harris who the decoy  
6 was, it was actually Terry Davis. So if Terry Davis, if  
7 he trained the dog, and he's acting as the decoy for the  
8 dog, my fear is that the test could have been skewed.

9 BOARD MEMBER NADEAU: Well, that's my fear,  
10 too. That's why I asked the question. But. All right.  
11 Thank you.

12 MS. DAVIS: Metro asked him to decoy the dog.  
13 We didn't volunteer. Metro --

14 BOARD CHAIRMAN ZANE: We have to be clear that  
15 the record's clear. I'll call on you in a minute or  
16 two.

17 MS. DAVIS: Okay.

18 BOARD CHAIRMAN ZANE: And you can respond.

19 BOARD MEMBER NADEAU: That's -- I just want --  
20 we have statutory requirements, and I just wanted to --  
21 my comment is, if -- I'm trying to figure out if she met  
22 the statutory requirements.

23 MR. INGRAM: Las Vegas Metropolitan Police  
24 Department did authorize Mr. Davis to act as the decoy  
25 for other participants that day as well. So they

1 authorized him to be the decoy for that exam, just for  
2 the record.

3 BOARD MEMBER FLYNN: Mr. Chair, just I mean  
4 they're not going to know what the Private  
5 Investigator's Licensing Board regulations are or  
6 whether they're educated or not. And I don't disagree  
7 with you at all. They may have asked him to. He may be  
8 known in the dog community.

9 MS. DAVIS: There, he found it.

10 BOARD MEMBER FLYNN: Can I finish?

11 MS. DAVIS: Sure.

12 BOARD MEMBER FLYNN: Thank you.

13 I'm not doubting that he was there and that  
14 he -- they found it. I'm not doubting that the -- that  
15 what took place, what you're purporting took place took  
16 place.

17 My concern, as we go forward, is two-fold. One  
18 is, I need to find out what the situation is with the  
19 husband. Is he a registered ex-felon? What's -- it's  
20 in dispute exactly what he's been convicted of. I'd  
21 like to know that, too. And then, secondly, I think, we  
22 need to retest without Mr. Davis being involved in the  
23 testing whatsoever or on the field.

24 And, again, to support Las Vegas Metro K9, they  
25 don't know what the regulations are. We ask them to do



1 a test, they'll do a test.

2 BOARD CHAIRMAN ZANE: Okay. Go ahead.

3 MR. LEWIS: Okay. So, in terms of the testing,  
4 the testing was run, scored and monitored not only by  
5 the investigator here but by Metro. The dog was handled  
6 100 percent by Ms. Davis. Whoever was in the suit was  
7 in the suit. But the handling of the dog and the  
8 testing and scoring of the handling of that dog through  
9 the Metro program was Ms. Davis.

10 So whether it was Peter Pan or Mr. Davis in the  
11 suit, what was being tested was the handling, the  
12 control and the actions of that dog by the police  
13 department. And she passed. It wasn't a -- clearly,  
14 Metro would have said, "Well, the guy in the suit's  
15 calling out the commands. He is the one that's making  
16 the dog do this. She is incompetent." There are no  
17 notes, there's no indication, there's no investigative  
18 report that indicate any of those things.

19 So with all due respect to the concern, and I  
20 understand the concern and, again, why we're willing to  
21 work with you, a probationary period, but to bring that  
22 up now and say, "Well, jeez, we went through the test,  
23 the test was approved," and now, at the 11th hour, "But  
24 he was in the suit" is not fair. Metro designed, ran,  
25 scored the test in front of everybody. And it shouldn't

1 be my client's detriment that now, again, at the 11th  
2 hour, well, perhaps somebody that isn't up for a  
3 licensure was in the suit.

4 My guess is, in every instance, somebody that  
5 isn't up for licensure is probably in the suit. So it  
6 just happens to be Ms. Davis testing, and her husband,  
7 who was not up for licensure, in the suit. If it would  
8 have been anybody else, the same argument could be made:  
9 Well, ladies and gentlemen, there's somebody that's not  
10 licensed in the suit.

11 I don't believe that that's part of the test.  
12 If it was part of the test, it would have been notated  
13 by Metro, and an appropriate licensed handler would have  
14 been in the suit. But that wasn't the case.

15 There was no intent on my client to deceive or  
16 do anything incorrectly. Metro asked. Mr. Davis tested  
17 for multiple other people. Therefore, we should void  
18 all of their licenses, too, under the theory that an  
19 unlicensed person was in the suit.

20 So I can't imagine that being the precedent the  
21 Board wants to set. The precedent of the test is Metro  
22 designs it, Metro runs it, and Ms. Davis is the one that  
23 is scored and observed. And she passed, no matter who  
24 was in the suit.

25 In terms of the testimony of the two people

1 from the public comment period, first, Ms. Anderson, she  
2 was an employee of the company, and she was terminated  
3 from the company for violating company policies and  
4 rules dealing with relationships with clients.

5 MS. ANDERSON: I spoke -- I don't --

6 BOARD MEMBER FLYNN: Excuse me. We'll have you  
7 leave the room.

8 MS. ANDERSON: Okay. Sorry. I didn't know if  
9 I could speak anything. I'm sorry.

10 MR. LEWIS: She is, if nothing else, a  
11 disgruntled employee. And the reason she was terminated  
12 was for relationships with clients. Period. That is  
13 why she is no longer an employee with the company.

14 Interestingly, there is nobody else here  
15 besides these two ladies. The other lady is in the  
16 middle of litigation. We are in the middle of  
17 litigation over a dog. And, of course, there's evidence  
18 that's been presented to counsel that indicates text  
19 messages and e-mails from Esther what says "I'm going to  
20 get you, and I'm going to do everything in my power" and  
21 et cetera, et cetera, which is all going to come out in  
22 front of a jury one day.

23 But, unfortunately, we didn't have the ability  
24 to cross-examine her, because we took item number two  
25 off. And item number two was her complaint, of which

1 during an hour outside of this room, counsel,  
2 investigator and the Director all had enough concern  
3 with the alleged evidence, that she is going to put in  
4 front of you, to agree to withdraw the issue.

5           The three people that have dealt with all of  
6 it, with all due respect to the Board, have agreed there  
7 are some issues, we're not going to move forward. I  
8 point that out to the Board if you are now going to  
9 listen to such person, of which the investigator, the  
10 Director and counsel aren't comfortable with, and then  
11 make a decision to deny this lady her license.

12           Board member in Carson pointed out very clearly  
13 Ms. Davis is up for licensure, and she is the one that's  
14 held accountable to what the legal requirements are when  
15 she is licensed. Absolutely. So why do we care about  
16 her husband? We didn't care about it at time of the  
17 statement. We shouldn't care about it now. And we  
18 definitely shouldn't care about it after a disgruntled  
19 employee and one of the hundreds of dogs that were  
20 trained by these people shows up.

21           Where are the other thousand dog owners that  
22 they've trained dogs for? Not protection, but in  
23 obedience and all the other arenas that they can train  
24 and service animals. They train dogs all of the time.  
25 None of those people are here, except for one

1 disgruntled client with evidence that is very much at  
2 issue such to withdraw her complaint, and with one  
3 disgruntled employee.

4           With that, I will let it be. But, again, the  
5 point made by the member in Carson City is very pointed  
6 here. We don't care about the husband. She's the one  
7 up for licensure. If the husband gets in the way and  
8 causes a problem, then we're all back here again.  
9 That's what was pointed out.

10           And there's no reason to dispute this lady in  
11 her application that she passed with flying colors.

12           MS. PALMER: I would just like to make one  
13 comment. And, again, it's because you commented on what  
14 you believe our resolution was. And that is that to the  
15 extent that what he just said could be construed as we  
16 call into question her character or whether or not she's  
17 being truthful, that's not the case. We simply have  
18 proof problems at this point. We have a she said, she  
19 said situation that is not fully investigated.

20           So that's the reason that we're withdrawing.  
21 It's not because we do not believe that Ms. Graciolett  
22 is not credible. Nor do we believe that your client is  
23 not credible in regard to that. It's simply that we do  
24 not know. And that was the reason for the withdraw of  
25 the citation.

1 I just don't want the Board to draw the  
2 conclusion that staff is in agreement that  
3 Ms. Graciolett is not reliable.

4 BOARD CHAIRMAN ZANE: Thank you.

5 BOARD MEMBER MAHEU: I have one comment, sir.

6 BOARD CHAIRMAN ZANE: Please.

7 BOARD MEMBER MAHEU: You indicated -- I'm  
8 sorry. To the attorney, you indicated you're in  
9 litigation. With the lady that testified?

10 MR. LEWIS: Yes, sir.

11 BOARD MEMBER ZANE: To the investigators, is  
12 that litigation listed on the application?

13 MR. LEWIS: I would assume not, because it was  
14 just filed within the last weeks.

15 MR. HARRIS: I don't believe so.

16 MS. DAVIS: It's not.

17 MR. HARRIS: It's not?

18 MS. DAVIS: No. It wasn't filed at the time of  
19 the application. It's -- it's not even answered yet.

20 MR. LEWIS: We haven't even filed an answer  
21 yet.

22 BOARD CHAIRMAN ZANE: Any further Board  
23 comment, questions?

24 Does somebody want to make a motion?

25 BOARD MEMBER NADEAU: I'll take a stab at one.

1 There may not be --

2 BOARD CHAIRMAN ZANE: Please.

3 BOARD MEMBER NADEAU: There may not be very  
4 much support for it, but I'll take a stab at it.

5 I move that Hon Ku, LLC dba Custom K9 Services  
6 be granted a new corporate canine handler license,  
7 Susan M. Davis be granted an individual canine handler  
8 license, that her individual license be placed into  
9 abeyance so that she may become the qualifying agent,  
10 and subject to all statutory and regulatory  
11 requirements.

12 And now I'd like to have some comments if there  
13 is a second.

14 BOARD CHAIRMAN ZANE: Is there a second?

15 BOARD MEMBER MAHEU: I'll second for comment  
16 purposes.

17 BOARD CHAIRMAN ZANE: Okay. We have a motion  
18 and a second. Let's have the Board comments.

19 BOARD MEMBER MAHEU: I have a great deal of  
20 concern about this application. I'm very, very  
21 concerned about Mr. Davis's involvement. Somewhere  
22 along the process, I have heard that Mr. Davis was  
23 originally going to apply for this license. And it was  
24 learned that he could not apply. And, therefore,  
25 Ms. Davis applied.

1 Am I correct in that assumption, or not?

2 MS. DAVIS: Mr. Davis would never be able to  
3 apply for this license and was never considered to apply  
4 for this license.

5 BOARD MEMBER MAHEU: Okay. Thank you.

6 MS. DAVIS: I have always found the company.  
7 He never has. So that would not be a --

8 BOARD CHAIRMAN ZANE: Okay. I don't know that  
9 it's appropriate to have a dialogue just with any of the  
10 Board members.

11 BOARD MEMBER MAHEU: Thank you.

12 My other concern is that there is, apparently,  
13 some involvement of Mr. Davis with the company on a  
14 day-to-day basis. And if Mr. Nadeau's motion does pass,  
15 I think, there has to -- I think, it has to be inclusive  
16 of including some prohibitive language to prevent  
17 Mr. Davis's involvement in this company.

18 And I don't have any -- well, we do have a  
19 question of counsel, Board counsel question.

20 BOARD MEMBER NADEAU: My comments in support of  
21 my motion are these. Mr. Davis is the fine honey on  
22 this thing. But he -- his involvement in the  
23 corporation, he does training, he can do training on  
24 other things.

25 Now, the comments by the public go to the --



1 our previous issue, and that was the issue of the  
2 unlicensed activity. We've taken care of that, and  
3 that's -- we've set that aside.

4 But Mr. Davis, I don't know what his  
5 involvement in the corporation is or in the training for  
6 that. But he cannot be -- but the qualifying agent is  
7 the one that's held responsible, with her licensure and  
8 additional fines and things of that nature based on her  
9 running of the business, her acting within the NRS.

10 As far as counsel's asking for probation,  
11 there's no probation. Once this license is issued, the  
12 probation is endless. Because you have to abide by the  
13 statute. You can't violate the statute. So probation,  
14 probation is moot, from my perspective.

15 So she has to be held accountable for  
16 licensure. And I expect the Board investigators to do  
17 what they have to do to make sure that she's complying  
18 with the statutes.

19 That was the basis of my motion.

20 BOARD MEMBER MAHEU: I'm withdrawing my second.

21 BOARD CHAIRMAN ZANE: Who has the second?

22 I'll second.

23 BOARD MEMBER NADEAU: So my motion dies for the  
24 lack of second. So the -- I guess, somebody else may  
25 have a motion.

1 BOARD CHAIRMAN ZANE: Well, I was going to  
2 bring the second to the same motion. But if you want to  
3 bring it again, I'll second it.

4 MS. BRADLEY: Okay.

5 BOARD MEMBER NADEAU: Okay. If you're going to  
6 second it, then it's still there.

7 BOARD CHAIRMAN ZANE: Okay. I second it.

8 MS. BRADLEY: And this is Sarah Bradley.

9 BOARD CHAIRMAN ZANE: It's already up.

10 MS. BRADLEY: Just for the record, I've been  
11 trying to look to see if you can put a condition on a  
12 license. Because, I think, that was a concern that one  
13 of the Board members raised.

14 I'm not seeing that that's here. It looks like  
15 you do your investigation, and they're granted a  
16 license. It does say that, you know, they have to pass  
17 an exam showing -- or it says that they have to show  
18 that they can handle the dog. Which it sounds like  
19 she's done that test. And then it does say that each  
20 director and officer of the corporate applicant must be  
21 at least 21 years of age, a citizen, good moral  
22 character, no convictions of felonies or crimes of moral  
23 turpitude.

24 So it sounds like as long as she meets those  
25 qualifications, and she's the officer of the company,

1 I'm just not -- and maybe I'm missing it. And I  
2 apologize. I'm not as familiar with your statutes as I  
3 know Ms. Palmer is. But I'm not seeing that there's  
4 like a conditional or a -- something like that.

5 BOARD CHAIRMAN ZANE: Thank you.

6 My reason for coming in support of the motion  
7 is, one, I don't -- I'm not aware that Mr. Davis has  
8 submitted himself for consideration to the proper  
9 channels to be considered to be prohibitive or available  
10 for a work card. Two is I don't see him anywhere on the  
11 LLC, which is the entity here to be licensed. The  
12 applicant's here to get a first individual license and  
13 have that assigned so that an LLC may operate it.

14 I think, at her detriment, if it isn't run  
15 according to the regulations, then we bring her back in  
16 and we take her license away or discipline her in some  
17 other fashion.

18 I know, I understand that there might be an  
19 enforcement problem, because of the nuance of what a --  
20 what could possibly turn out to be an employee that  
21 couldn't be registered under our rules. It would be,  
22 what are you training? I'm training competition with  
23 this client. Okay.

24 Well, I think, all that that would take is us  
25 chasing it down a little bit and finding out that

1 somebody's fibbed to us. And at that point we would,  
2 violations, fines, revocation, suspension, all of those  
3 different issues.

4 But as the applicant sits here today with the  
5 information that's before us, I am moved to support the  
6 applicant.

7 MR. LEWIS: Thank you.

8 MR. INGRAM: Mr. Zane?

9 BOARD CHAIRMAN ZANE: Yes.

10 MR. INGRAM: The only other concern with  
11 relationship to an individual with licensure, under 648,  
12 NRS 648.060, it states that any employee of the  
13 licensee, of the license holder, must have a work card.  
14 So that includes clerical personnel, support staff,  
15 dispatchers, whatever that might be, under the license  
16 number.

17 So if Hon Ku, LLC is licensed dba Custom K9  
18 Services, that's the license holder. Whether they  
19 provide obedience training or bad behavior training  
20 along with the executive protection or family protection  
21 dogs, every employee of Hon Ku would be required to have  
22 a work card.

23 BOARD CHAIRMAN ZANE: Correct.

24 MR. INGRAM: Okay. I just wanted to put that  
25 on the record.

1 BOARD CHAIRMAN ZANE: Correct.

2 MR. INGRAM: Thank you.

3 BOARD CHAIRMAN ZANE: Any other Board  
4 questions, comments?

5 Okay. Motion. All in favor of the motion, say  
6 "aye."

7 (Board members said "aye.")

8 BOARD CHAIRMAN ZANE: All opposed to the  
9 motion, say "no."

10 BOARD MEMBER MAHEU: No.

11 BOARD MEMBER FLYNN: No.

12 BOARD CHAIRMAN ZANE: The motion carries  
13 three-two.

14 Thank you.

15 MS. DAVIS: Thank you.

16 MR. LEWIS: Thank you.

17 MS. PALMER: Thank you very much. It's been a  
18 long morning.

19 MR. LEWIS: Yes. Happy holidays, everybody.

20 BOARD MEMBER FLYNN: Happy holidays.

21 BOARD CHAIRMAN ZANE: We're going to call item  
22 number six, recall item number six, Christopher Carson.  
23 Is Christopher Carson here?

24 And item number 10, Qonita Johnson. Is Qonita  
25 Johnson here?

1           Okay. We'll continue to trail those items to  
2 the end of the meeting.

3           We're now -- break?

4           MS. PALMER: Let's break.

5           BOARD CHAIRMAN ZANE: Break?

6           MS. BRADLEY: I think, it would be my  
7 recommendation, Mr. President, that we call item 14. I  
8 believe, there's a preliminary matter that the  
9 respondent is asking the Board to consider before we get  
10 into the hearing. And so, I guess, I just thought  
11 perhaps you should handle the preliminary matter and  
12 then, if you like, have a break. I don't know if that  
13 pleases you, but.

14           MS. PALMER: I need a five-minute break just to  
15 go obtain the information that I need to handle that  
16 preliminary motion.

17           MS. BRADLEY: Okay.

18           MS. PALMER: Five minutes is all.

19           MS. BRADLEY: Okay.

20           BOARD CHAIRMAN ZANE: All right. We'll be in  
21 break for five minutes .

22                           \* \* \* \* \*

23           (A break was taken 1:04 p.m. to 1:24 p.m.)

24                           \* \* \* \* \*

25           BOARD CHAIRMAN ZANE: Are we ready to go back

1 on the record?

2 MS. BRADLEY: I believe, we are.

3 BOARD CHAIRMAN ZANE: Are you ready to proceed?

4 Okay. Let's see. We have a motion here.

5 I'm sorry, counsel. I lost my scratch piece of  
6 paper. Mr. Smith, right?

7 MR. SMITH: Yes, it is.

8 BOARD CHAIRMAN ZANE: Thank you. I'm sorry.

9 MS. PALMER: Mr. Chairman?

10 BOARD CHAIRMAN ZANE: Yes.

11 MS. PALMER: Before you entertain the merits of  
12 the motion, I have an objection regarding the timeliness  
13 of the motion. And I would like the Board to rule on  
14 that, whether or not it's going to consider the motion.

15 BOARD CHAIRMAN ZANE: Go ahead.

16 MS. PALMER: On November 30th, the respondent's  
17 counsel contacted me and advised me that he would like  
18 to continue the matter, and that he asked me, you know,  
19 whether it was possible that the matter could be  
20 resolved, and he asked for an extension of time to file  
21 the answer. I told him that I was without authority to  
22 grant him an extension of time on the matter itself, but  
23 that I would agree to an extension of the answer and  
24 that he could bring up to this Board whether or not an  
25 extension for his -- for the hearing itself, whether

1 there was good cause for doing so.

2 He waited until November 7th to file a motion.  
3 There was no discussion about a motion. I expected that  
4 he would request --

5 MR. INGRAM: December.

6 MS. PALMER: Oh, I'm sorry. December.  
7 December 7th. I expected that he would request the  
8 continuance. I did not expect to get served with a  
9 legal motion.

10 The legal motion was served to us at 11:45 a.m.  
11 on December 7th, past the time that -- now, I understand  
12 that this matter, these motions can be heard within the  
13 agenda, the item that is agendaed. But what I want the  
14 Board to focus on is the amount of time that was  
15 provided to me. If these were the only items on this  
16 agenda, it could not have been placed on the agenda,  
17 because there wasn't time to post it to the agenda. And  
18 the purpose of that three-day notice is to give an  
19 opportunity for the public and for people to be  
20 prepared.

21 So I wasn't even given that much time to  
22 respond to the motion, this knowing that we were  
23 attempting to see if we could reach an agreement that I  
24 would recommend to the Board, on a settlement, this  
25 while trying to prepare the case, while trying to get



1 exhibits.

2 I will tell you that I have been up until after  
3 midnight every single night this week, primarily dealing  
4 with this case, but with the prior case as well. And  
5 now counsel presents a motion with legal argument that  
6 he now wants to have this Board consider. I believe,  
7 it's just another dilatory tactic to keep from hearing  
8 the underlying matter and that it's unfair to -- other  
9 than to hear his reason why he thinks that he should be  
10 given a continuance, the good cause, that this is  
11 untimely.

12 BOARD CHAIRMAN ZANE: Mr. Smith.

13 MR. SMITH: Thank you, Your Honor. Thank you,  
14 Board members. And I appreciate your time before we  
15 take a lunch break to consider this matter. I know and  
16 I appreciate the time of all the witnesses.

17 Let me just address the arguments made by  
18 Ms. Palmer.

19 First of all, after being retained, shortly  
20 after being retained, I immediately contacted Ms. Palmer  
21 to request a continuance. She is correct. She said she  
22 could not grant me a continuance of this matter, she did  
23 not have authority to do that, but granted a continuance  
24 of or an extension to file an answer. She granted that  
25 until December 7th, which was Monday.

1 I filed our answer, on behalf of ESI Security  
2 Services and Mr. Hendi, on December 4th, that Friday,  
3 early, before the deadline. Then, because we needed a  
4 continuance, and I'll go into that later, we filed that  
5 immediately on Monday.

6 I cannot file a motion to continue before I  
7 actually appear in the case, which was Friday. And  
8 we -- so it would be awkward, to say the least,  
9 procedurally improper to file a motion without having  
10 filed an answer.

11 The rules require us, and that's set out in NRS  
12 648.170, to file an answer, which we did. We then are  
13 bringing a motion under the same exact statute, but  
14 subsection 8, which allows the Board or Hearing Officer  
15 may grant a continuance of a hearing upon a showing of  
16 good cause.

17 I don't know whether there's a time limitation.  
18 But given the situation here, where the complaint is  
19 filed, where we file an answer on Friday, and we file a  
20 motion on Monday, as soon as we possibly can, to give  
21 enough time -- and we were hoping that the Board would  
22 have that motion in advance. Because it was served upon  
23 both Ms. Palmer and Mr. Ingram on Monday, at 11:45,  
24 apparently.

25 But, so I would argue the Court or the Board

1 should at least entertain this. And, again, because it  
2 is on the agenda, this matter's on the agenda, I  
3 don't -- we should be able to raise a motion at any time  
4 at the hearing.

5 And so we're raising this motion. And we  
6 believe good cause definitely exists to continue this  
7 hearing date.

8 BOARD CHAIRMAN ZANE: Reply?

9 MS. PALMER: Yes.

10 I agreed to the extension of time to file the  
11 answer in good faith. Had I known that that would be  
12 the basis for which you would then file a motion on the  
13 same day that I agreed to extend your answer to, I would  
14 not have agreed to the time for you to extend your  
15 answer. Because I've been trying to be very gracious to  
16 you in giving us -- giving you our exhibits as early as  
17 possible. I asked you to do the same. Your exhibits  
18 came later. Everything, in my opinion, has been about  
19 delaying this process.

20 So, obviously, we are going to get to the good  
21 cause portion of -- regardless of whether you have a  
22 motion. So that will be heard. But I think that it's  
23 problematic that you're trying to present legal  
24 arguments in a motion that I simply don't have time to  
25 respond to in writing.

1 MR. SMITH: Well, I entirely disagree, disagree  
2 with that characterization that we're trying to delay.  
3 The fact of the matter is, you filed the complaint 30  
4 days ago today, with 26 claims for relief, asking us to  
5 respond to it.

6 And this is part of the good cause reason.  
7 There are 26 claims for relief. There are eight  
8 violations. And I know you think there's 54 violations,  
9 and that -- or alleged violations.

10 MS. PALMER: Can we -- can we wait for the  
11 Board --

12 MR. SMITH: No, because you --

13 MS. PALMER: Can we wait for the Board to rule  
14 on the procedural aspect?

15 MR. SMITH: You raised this issue of  
16 timeliness. And I am responding why we couldn't get all  
17 the exhibits to you. And it goes right into the merits  
18 of this motion. The reason we couldn't get all the  
19 exhibits to you on Monday or Friday -- or, actually, I  
20 think, we got them to you on Tuesday. Well, the reason  
21 we couldn't get them to you on Monday is because of how  
22 big this case is, how many documents there are, how many  
23 more documents we need. There is many, many things that  
24 we still have to investigate in order to prepare the  
25 defense of this matter. And that's the problem.

1           So I would ask the Court or the Board to at  
2 least hear this, this motion, make a decision on it, and  
3 so we can decide whether it makes sense to continue this  
4 for 90 days to allow us to prepare a defense. And, I  
5 think, once the Board sees the statute that absolutely  
6 requires the hearing to be set after the answer's filed,  
7 the Board will agree.

8           MS. PALMER: Now you're getting to the merits  
9 of the motion. And I did not raise that issue.

10          MR. SMITH: I'm asking the Board to hear the  
11 motion.

12          MS. BRADLEY: So this is Board counsel, Sarah  
13 Bradley, for the record.

14           I'm looking in NRS 648, NAC 648 and 233B. I  
15 don't see anything that talks about the timing of a  
16 motion to be filed. The only thing I can find is NRS  
17 648.170 that says, in subsection 8 -- and I was just  
18 there, and now I got to go back.

19           Oh, thank you.

20           Subsection 8, it says the Board or Hearing  
21 Officer may grant a continuance of a hearing upon a  
22 showing of good cause. I don't see any specific  
23 reference made to the timing of motions in here.

24           I know, when the Board used to comply with  
25 622A, there are timeframes there. But since the Board

1 is now exempt from that. And I'm not finding a  
2 replacement, either in your NAC or NRS. So that's just  
3 something for the Board to know.

4 And, I think, the Board -- there's a couple  
5 questions before you, but the first question right now  
6 is whether or not you believe the motion was timely  
7 filed and/or whether or not you want to consider it  
8 based on the time when it was filed. And then, once you  
9 make that decision, it will determine whether or not you  
10 decide the motion on its merits or however you handle  
11 that.

12 MS. PALMER: And, counsel, may I just add that  
13 what I'm asking is that they disregard the written  
14 motion and simply listen to both of our oral arguments.  
15 He can certainly use his motion to make his oral  
16 arguments. But I would prefer that the Board not have  
17 the written motion since I didn't have time to put forth  
18 a written opposition. That's what I'm asking for.

19 BOARD MEMBER NADEAU: Mr. Chair, may I ask a  
20 question?

21 BOARD CHAIRMAN ZANE: Yes, sir. Yes, sir.

22 BOARD MEMBER NADEAU: Okay. Counsel, does  
23 the -- your -- I'm confused. So maybe this will help me  
24 to clarify. The motion doesn't necessarily have to be  
25 written in order to be made; is that correct? And so

1 what you're indicating is the written motion is what  
2 you're objecting to, because you've not had time --

3 MS. PALMER: That's my position.

4 BOARD MEMBER NADEAU: Okay.

5 MS. PALMER: Yes, that's my position. It was  
6 not timely filed. He is now utilizing what in good  
7 faith I gave him an extension of time to answer. His  
8 answer would have been due several days before. He's  
9 now utilizing that as his excuse for the late-filed  
10 motion.

11 And although the statutes may not speak to  
12 that, I will just represent that a motion filed less  
13 than three days before the hearing of this type would  
14 not ordinarily be what I think a timely-filed motion,  
15 based on my experience. And I -- that's why.

16 I had no problem. He indicated to me that he  
17 would be requesting an extension of time for good cause.  
18 I had no problem with him doing that. I have a problem  
19 with him trying to slow down my process and my  
20 preparation by filing a timely motion when in good faith  
21 I gave him time to extend the answer, and that's his  
22 basis for why he couldn't file this motion sooner.

23 So I'm asking you to disregard the written  
24 motion, listen to what he has to say and allow me to  
25 respond to it.

1 I think, a written motion is much more powerful  
2 than just simply oral argument. And that's -- I think,  
3 I'm -- my case was prejudiced by it.

4 BOARD MEMBER NADEAU: Okay.

5 BOARD CHAIRMAN ZANE: Any other Board --

6 BOARD MEMBER NADEAU: Yeah, okay. I get it. I  
7 think, I understand what you're saying.

8 BOARD CHAIRMAN ZANE: Any other Board comments  
9 or questions?

10 Okay. I'm going to sustain the objection to  
11 the timeliness issue --

12 MS. BRADLEY: Well --

13 BOARD CHAIRMAN ZANE: -- and move on.

14 MR. SMITH: Seriously?

15 MS. BRADLEY: I actually think that the full  
16 Board should answer that question. This is -- I mean  
17 she's raising an oral motion, which should be decided by  
18 the full Board. I don't think this is like an  
19 evidentiary objection, that I'm aware of. So.

20 So, I think, the better procedure would be for  
21 the Board --

22 BOARD CHAIRMAN ZANE: Do we got to take a -- we  
23 have to take a vote?

24 MS. BRADLEY: Yeah, I think, the Board should  
25 discuss and deliberate and decide whether or not to



1 consider the written motion.

2 BOARD MEMBER FLYNN: Do you want to put that as  
3 a motion?

4 MR. INGRAM: Yes.

5 BOARD CHAIRMAN ZANE: So the Board's going to  
6 vote on an objection to the process.

7 MR. SMITH: I think, if I understand it  
8 correctly, she's objecting to --

9 MS. BRADLEY: She's, basically, asking that his  
10 motion be stricken and that you only hear oral argument  
11 regarding his motion. So she wants you to say that this  
12 written motion doesn't become part of the record. And  
13 so I'm --

14 BOARD CHAIRMAN ZANE: Correct.

15 MS. BRADLEY: And I'm saying that as a motion  
16 to strike, or something similar. And, I guess, I feel  
17 like the Board should decide that as a body and --

18 BOARD MEMBER NADEAU: So would a motion be not  
19 to accept the written motion?

20 MS. BRADLEY: She's asking you to say the  
21 written motion was untimely filed and it's not going to  
22 become a part of the record and not be reviewed by the  
23 Board. He's saying we filed it on Monday --

24 MR. SMITH: The day after we filed an answer.

25 MS. BRADLEY: -- and so we think you should

1 review the written motion.

2 MR. SMITH: And there's no rules that say we  
3 can't file a written motion --

4 MS. BRADLEY: So --

5 MR. SMITH: -- three days before the hearing,  
6 even up until the day of the hearing. I could bring in  
7 a motion today, a written motion, and present it to the  
8 Board. I don't think there's any rule that prevents  
9 that.

10 BOARD CHAIRMAN ZANE: You're going to argue the  
11 motion right after this, right?

12 MR. SMITH: That's correct.

13 BOARD CHAIRMAN ZANE: Well, it's just not going  
14 to be based upon the writing.

15 MR. SMITH: Well, that's correct, but I'd still  
16 like the Board to consider the writing. But you're  
17 absolutely right. What we're doing now is putting form  
18 over substance.

19 BOARD CHAIRMAN ZANE: Okay. Okay. So I'll  
20 hear a motion --

21 MS. BRADLEY: I mean --

22 BOARD CHAIRMAN ZANE: -- by the Board.

23 MS. BRADLEY: I would say, as your Board  
24 counsel, I mean there's nothing that directs you either  
25 way on this issue. There's no reference to your guiding

1 law, regulation, either in NRS 233B, NRS 648 and  
2 NAC 648, that addresses written motions. So your  
3 current guidance is silent on whether or not you must or  
4 may or will accept written motions.

5 So, I guess, there's -- I can't actually tell  
6 you sort of what a recommendation would be. I would say  
7 that when you're deciding contested cases, you need to  
8 consider due process and other concerns regarding the  
9 licensee. And so, I guess, there's a question of does  
10 the licensee have a due process right to have a written  
11 motion submitted to the Board, you know, prior to the  
12 hearing? Is there a timeline on that? I don't think  
13 you have one specified.

14 And so, and, of course, what the state's  
15 arguing is that they were prejudiced by the written  
16 motion being filed on Monday. So, I guess, you kind of  
17 have to decide who's prejudiced. I will say that the  
18 licensee is the one with the due process right. The  
19 state has like a fundamental fairness right perhaps.  
20 But there's no due process right for the state, because  
21 they don't have a license that's protecting it.

22 MS. PALMER: And if that is going to be the  
23 basis for an appellate issue, then I'll withdraw my  
24 objection.

25 MS. BRADLEY: I mean I'm just telling the Board

1 the best I can, because I mean, I guess, I feel like my  
2 job is to try to tell you what I think the law says,  
3 before you make a decision. And there is nothing here  
4 that's really a guiding principle aside from just  
5 general due process.

6 MR. SMITH: If counsel wants to withdraw --

7 BOARD MEMBER FLYNN: May I ask a question?

8 MR. SMITH: I was go to say, if counsel wants  
9 to withdraw her question, that's fine, because I think  
10 counsel's absolutely correct. As in, this is a basis --

11 MS. PALMER: I'll withdraw the objection. You  
12 can file the motion. You can file the motion. I'll  
13 withdraw the objection. Because we're going to have  
14 argument regarding it anyway.

15 MR. SMITH: Correct.

16 MS. PALMER: But I have those concerns noted on  
17 the record that I extended time in good faith, and I  
18 think this is bad faith dealing.

19 MR. SMITH: Thank you for your opinion.

20 MS. BRADLEY: So now, I think -- it's being  
21 withdrawn, the timeliness motion made by Ms. Palmer.  
22 So, I think, now you are to the point of considering the  
23 motion on its face and its merit.

24 So, normally speaking, the person bringing the  
25 motion would address the merits of their motion orally.

1 The person opposing the motion would address their  
2 reasons for opposing. And then the person that brought  
3 the motion would again get a chance to say why they  
4 think it should be granted. And then, normally, no more  
5 argument would be permitted. And then the Board would  
6 decide to deliberate how to handle the pending motion.

7 The Board members could also take a minute to  
8 read it if you haven't yet. You may want to do that as  
9 well.

10 MR. SMITH: It's a very short motion, members  
11 of the Board. It's only a couple pages. I think, it  
12 will only take two to five minutes to read.

13 BOARD MEMBER NADEAU: I've already read it.

14 BOARD CHAIRMAN ZANE: From a procedural  
15 perspective, as we're moving forward, if there are any  
16 objections, does the Board need to vote on the  
17 objections?

18 MS. BRADLEY: Objections are normally made by  
19 counsel when people are testifying and things like that.  
20 So what you had --

21 BOARD CHAIRMAN ZANE: Okay.

22 MS. BRADLEY: -- is you had a motion saying the  
23 motion to strike this from the record. That's been  
24 withdrawn. So now you have a motion to continue the  
25 hearing date. So I don't think you have any objections,

1 unless I'm misunderstanding something.

2 BOARD CHAIRMAN ZANE: No, as we move forward,  
3 if you're doing an oral argument, and somebody objects  
4 to something --

5 MS. BRADLEY: Yeah. Yeah.

6 BOARD CHAIRMAN ZANE: -- is that for the Board  
7 to take at a vote? Okay.

8 MS. BRADLEY: It's only for the Board Chair to  
9 decide objections. Yeah. The Board Chair, you would  
10 decide objections. Hopefully, we won't have objections  
11 on oral argument. Normally, that's done only when it's  
12 egregious. But, yes, you would be the one.

13 BOARD CHAIRMAN ZANE: Okay. Thank you.

14 MS. BRADLEY: And I would confer with you, if  
15 you'd like, about that.

16 BOARD CHAIRMAN ZANE: Okay. Thank you.

17 (Board members read the motion silently, 1:40  
18 to 1:46 p.m.)

19 BOARD CHAIRMAN ZANE: Are we ready to proceed?

20 MR. SMITH: We are.

21 BOARD CHAIRMAN ZANE: Okay. Mr. Smith, the  
22 floor is yours.

23 MR. SMITH: Thank you. Thank you, Board  
24 members, for agreeing to hear this.

25 Now that we're all familiar with this, this

1 motion, now that you've read it, the arguments are  
2 pretty straightforward. NRS 648.170, sub 8, authorizes  
3 this Board to continue the hearing date for good cause  
4 shown.

5 As I mentioned, or as we know, that we filed  
6 our answer on Friday at -- Friday. And on Monday of  
7 this week, we filed this motion. Importantly, I would  
8 like to direct the Board to NRS 648.170, sub 5. That  
9 statute expressly states that the Board "shall," meaning  
10 has no discretion, "shall" determine the time and place  
11 of the hearing as soon as reasonably practical after  
12 receiving the respondent's answer.

13 The hearing, and I'm not sure why this  
14 happened, but the hearing was actually set before the  
15 complaint was filed and certainly before respondent  
16 received a copy of the complaint. That is entirely  
17 inconsistent and contravenes the plain language of  
18 648.170, sub 5.

19 So on that basis alone, we would request and  
20 believe that that's good cause to continue this hearing  
21 date until the next Board meeting. That's all we're  
22 asking for is an additional 90 days.

23 The statute and reason why we have a statute  
24 like this, that after the answer is actually filed, is  
25 because respondents need time to prepare a defense to

1 such claims, especially when a complaint is filed. This  
2 is different than a citation or a notice of violation.  
3 This is a complaint, a very lengthy complaint, with 26  
4 claims for relief. And it takes time to even prepare an  
5 answer which we could file. And that answer is  
6 substantial, and it takes a lot of time to gather  
7 information in order to prepare an answer.

8           So the statute is clear that the hearing needs  
9 to be set after the filing of the answer. And that did  
10 not occur in this case. And we believe that the hearing  
11 date should now be reset to the next available hearing  
12 date, which -- whenever that is for the Board to meet.

13           Good cause also exists, as I have mentioned,  
14 because a respondent is entitled to put on and have  
15 reasonable opportunity to defend the case. This  
16 complaint has, as I mentioned, 26 claims for relief.  
17 There are eight notices of violation. Ms. Palmer  
18 believes -- and within those eight notices of violation,  
19 there's, obviously, multiple ones dealing with various  
20 employees, and it turns out to be 54. There are,  
21 apparently, 51 employees at issue.

22           All this information, with all these claims for  
23 relief, takes time to gather the documents necessary  
24 from the employer, from the licensee. These are not  
25 something that you can just go grab, analyze and do



1 within a few days after being retained.

2 Respondent has a due process right to have a  
3 reasonable opportunity to defend. We don't believe that  
4 that's been issued or has occurred in this case at this  
5 point. Of course, in 90 days, we believe, it will.

6 And that is part of the other problem here that  
7 Ms. Palmer has raised, is that the reason she was having  
8 to work so hard and been so busy with all these claims  
9 is because we were in a crunch. We're in a crunch time.  
10 There's no time to defend this case.

11 She's had the allegations and the evidence and  
12 everything for months and months and months and at least  
13 by the time when she filed the complaint. My client has  
14 not had that. We get the complaint, and we have to  
15 respond to an answer, and then we have to get evidence  
16 and documents together to prepare a defense.

17 Now, oftentimes in situations like this,  
18 opposing counsel and I, Ms. Palmer and I, could get  
19 together and exchange documents and figure out what are  
20 duplicates, things like that, so we could streamline the  
21 hearing. There's no time in this case. So we both had  
22 to exchange documents. And there's a tremendous amount  
23 of documents, many duplications. We haven't had time to  
24 go through them all, to figure all of this out, so that  
25 we could streamline this hearing so it won't take so

1 long.

2 My concern, also, today is, given the timing of  
3 this morning's hearings, that there's no -- I don't  
4 think it's possible that we would get anywhere close to  
5 being done today, especially after we take a lunch  
6 break. Again, you have to recognize the number of  
7 exhibits, the number of witnesses, the amount of time to  
8 cross-examine witnesses.

9 This is substantial. This is a substantial  
10 case in which Ms. Palmer and the Attorney General's  
11 Office is seeking to impose a substantial amount of  
12 fines on my client, with the possibility of seeking to  
13 revoke his license. He has a due process right to  
14 defend his case adequately and reasonably. And we do  
15 not believe that after getting served with a copy of the  
16 complaint, to have a defense set within 30 days, is  
17 reasonable or fair.

18 I also want to point out to the Board that  
19 another reason why we think we should continue this case  
20 for now is that, and as Ms. Palmer has indicated, I have  
21 been in discussions, settlement discussions, potential  
22 settlement discussions, with Ms. Palmer. We were  
23 talking last night. We just didn't have enough time  
24 before this hearing to reach a consensus on the terms of  
25 the settlement. We talked about my client paying fines,

1 paying attorney's fees, entering into probation. We're  
2 discussing that. We're in the process of discussing  
3 that. We've been going back and forth.

4           And I think that given more time, that we will  
5 be able to reach a resolution on this matter and save  
6 the Board, the witnesses, everyone else time. And for  
7 the convenience of everyone, a 90-day continuance would  
8 be beneficial. In fact, a 90-day continuance would not  
9 prejudice the Board, the PILB, anyone, if a 90-day  
10 continuance is granted. There's no harm in going 90  
11 days out.

12           The harm, which will be substantial, is if a  
13 hearing is continued now -- or is demanded to go forward  
14 now, my client will be substantially prejudiced by not  
15 being able to reasonably and adequately prepare his  
16 defense.

17           So, I think, I think that there is certainly  
18 good cause to continue the hearing date.

19           And one last point to all the Board members. I  
20 think, Ms. Palmer has described this. And I don't know  
21 if you've all had an opportunity to read that  
22 substantial complaint. But it is substantial. And I  
23 would hope that the Board members read it. Because it  
24 alleges many, many violations. And if these violations  
25 are as egregious as Ms. Palmer purports them to be, then

1 certainly we should have more than a few days to prepare  
2 a defense.

3           Remember, my answer, which is the initial  
4 appearance in this case, was on Friday. I had less than  
5 four business days to prepare an entire defense to 26  
6 claims. That's virtually impossible for any lawyer  
7 working 24-seven. And as Ms. Palmer pointed out, who's  
8 had the information for a long time, even she was  
9 struggling to get prepared for this case in time, so  
10 struggling so much so that she couldn't respond to a  
11 written motion.

12           So for these reasons, I would respectfully ask  
13 the Board to just continue this hearing date for 90  
14 days. That's all we ask. There's no prejudice to the  
15 PILB, but, again, substantial prejudice if it's not  
16 continued.

17           And, again, I want to emphasize the statute is  
18 absolutely clear, it uses the word "shall," there's no  
19 discretion, that this hearing should have been set after  
20 the answer was filed. But for reasons unbeknown to me,  
21 it was set before the complaint was filed, because the  
22 hearing is identified in the complaint, so it had to be  
23 said before the complaint was even filed. And it  
24 certainly was set well before it was served on my  
25 client, which is a complete violation of NRS 648.170,

1 sub 5.

2 Thank you.

3 BOARD CHAIRMAN ZANE: Thank you.

4 MS. PALMER: Everything you just heard is just  
5 a red herring.

6 Addressing the issue with NRS 648.170,  
7 subsection 5, the way he would like you to read it could  
8 be made so clear if it were written differently. The  
9 Board has to set the hearing date such that the hearing  
10 date is after receiving the respondent's answer. They  
11 don't have to set the hearing before the answer. They  
12 can't hold the hearing before the answer.

13 But the way he would like you to read that  
14 sentence is to remove the clause that he has italicized  
15 there and put it in front of the sentence that begins  
16 with "The Board shall determine," so that instead it  
17 will read: After receiving the respondent's answer, the  
18 Board shall determine the time and place of the hearing  
19 as soon as reasonably practicable.

20 That's how he would like you to rearrange the  
21 statute, so that it reads that way. When, in fact, the  
22 hearing must just be heard after the answer is filed.  
23 That makes sense. That's the time during which you are  
24 going through the complaint, you are determining whether  
25 or not there are claims, what your answers are, you're

1 admitting, you're denying, you're indicating whether or  
2 not you're without sufficient information. He's done  
3 that.

4 And, in fact, of the employees that are named  
5 in the complaint, on the underlying violations, he's  
6 even gone so far to put defenses into the complaint,  
7 defenses which are not even relevant to the issues  
8 before you.

9 As additional support that the sentence  
10 shouldn't read "After receiving the respondent's answer,  
11 the Board shall determine the time and place of the  
12 hearing" is the facts that it says "as soon as  
13 reasonably practical after receiving the respondent's  
14 answer."

15 If it were such that he -- how he would like  
16 you to read this particular sentence, it wouldn't say  
17 "You set the time and place of the hearing as soon as  
18 reasonably practical"; it would say "no sooner than,"  
19 and it would give him the adequate amount of time in  
20 addition to the time that he has from preparing the  
21 answer to further prepare the case. So he would like  
22 you to read into the statute something that just simply  
23 isn't there.

24 The hearing could not be held until after he  
25 supplied his answer. He indicated to you that he

1 supplied his answer on December 7th. The reason that  
2 the answer was supplied on December 7th is because, as  
3 he put it in a writing to me, I graciously extended him  
4 the additional time to do so. That was obviously a  
5 mistake. Because, now, not only did it provide him with  
6 an excuse for filing an untimely motion, which he could  
7 have filed at the same time that he filed his answer,  
8 but now that becomes a further basis for his reason for  
9 delaying the hearing yet again.

10 As for good cause, the reason he's making it  
11 sound like this is so big, this is so big, counsel knows  
12 full well that each one of these issues were already  
13 noticed in a notice of violation, a notice of violation  
14 that carries its own due process rights. The time for  
15 appealing those notices of violation was 30 days after  
16 they were issued. That time ended for all eight of  
17 them, some of them much sooner, but the last one was  
18 July of 2015.

19 He forewent his right to appeal the underlying  
20 issue. That's done. He decided not to pay the fine.  
21 He decided not appeal the fine. In fact, he decided to  
22 ignore Board staff and this Board and this Board's  
23 authority over and over and over and over again, until  
24 we had to file a 26-page complaint to bring him before  
25 this Board with all of the violations, so that this

1 Board could hear it, so that we could stop the  
2 continuing violations over and over and over. Because,  
3 as the testimony will show, he continues to violate the  
4 law even to this day.

5 In addition -- excuse me. Allow me to collect  
6 my train of thought for a moment.

7 The Board has read the complaint, hopefully.  
8 The Board has had this in plenty of time. And, as you  
9 know, there are six, there are six counts that relate to  
10 labor board complaints. The total amount of the unpaid  
11 wages to his employees was roughly just under \$24,000.  
12 I wonder if he -- if it was good cause for him not to  
13 pay his employees, one of which waited nearly four and a  
14 half years for him to write that check to the labor  
15 board.

16 MR. SMITH: You know, as we're getting --

17 MS. PALMER: That's the good cause.

18 MR. SMITH: You know, I'm objecting to -- we're  
19 getting into the substantive arguments. We're not  
20 talking about a motion to continue anymore. We're not  
21 talking -- we're now talking about labor claims and  
22 argument on the labor claims. Which, by the way, have  
23 all been paid. Which counsel knows.

24 MS. PALMER: Last week.

25 MR. SMITH: But have been paid. Which counsel



1 knows.

2 MS. PALMER: I'm sorry. I didn't --

3 MS. BRADLEY: So, Mr. President, you would be  
4 ruling on that objection, whether or not that statement  
5 of Ms. Palmer's would be, I guess, struck from the  
6 record, or objection, whether or not the objection would  
7 be sustained.

8 MR. SMITH: What it is, is she's making  
9 arguments, substantive arguments about the claims at  
10 issue rather than whether we are going forward on a  
11 motion to continue.

12 MS. PALMER: This relates to good cause and the  
13 concern this Board is entrusted with ensuring the  
14 public's safety. So the good cause there is whether or  
15 not this is something that needs to be addressed.

16 In addition, and -- because I'm not done  
17 arguing my response to your motion.

18 In addition, I offered counsel the opportunity  
19 to continue this. I wrote him a letter, and I said if  
20 his client would agree to a suspension of his license,  
21 during the time that he was requesting the extension, to  
22 ensure that the safety and security of the public was  
23 maintained, that I would agree to the continuance.

24 So the merits, unfortunately, go to the good  
25 cause. Because the concern there is the fact that he

1 will continue to be operating during those 90 days. And  
2 I represent to you that I have concerns, the Board has  
3 concerns about whether or not he will be operating  
4 appropriately during that time, while we wait for  
5 counsel to get prepared for something that -- that he  
6 already went for -- waived his rights for.

7 MS. BRADLEY: We still have an objection on the  
8 floor --

9 MS. PALMER: In addition --

10 MS. BRADLEY: -- that hasn't been ruled on.  
11 So. I didn't hear the president rule on the objection  
12 to that, that was made up here by Mr. Smith.

13 BOARD CHAIRMAN ZANE: Do I rule on it, or do we  
14 have a motion?

15 MS. BRADLEY: You rule on the objection. He  
16 objected to her going into the merits of the case,  
17 saying that this is about the motion to dismiss right  
18 now, we shouldn't be arguing the merits. Ms. Palmer  
19 responded --

20 BOARD CHAIRMAN ZANE: Okay.

21 MS. BRADLEY: -- that the merits of the case  
22 goes toward the arguments regarding good cause and that  
23 the Board has concerns about the matter being continued  
24 because of the nature of the violations. I'm sort of  
25 the summarizing.

1           So the question is still whether or not you're  
2 going to sustain his objection or overrule it.

3           BOARD CHAIRMAN ZANE: All right. The  
4 objection's overruled.

5           MS. PALMER: The last point that I would make  
6 is that we have witnesses here that have been  
7 subpoenaed. As you've indicated, they waited all  
8 morning long. And that goes to the merits of the issue.  
9 And so I won't go into that further. But that's my  
10 response to why the hearing should not be continued.

11          MR. SMITH: May I reply?

12          MS. PALMER: And I will renew my offer. I will  
13 renew my offer that I would not object to the hearing  
14 being continued if his license were suspended during the  
15 interim time.

16          MR. SMITH: Well, let me address all of those  
17 issues, Board.

18                 First of all, this is the first time I've been  
19 told that witnesses have been subpoenaed. I was not  
20 served with any copies of subpoena, which is required,  
21 on due process and fairness. So I don't know where  
22 those subpoenas are. But I had no idea that there would  
23 be witnesses here, other than three witnesses that  
24 Ms. Palmer identified, which were Ms. Irizarry --

25          MS. PALMER: That's it.

1 MR. SMITH: Oh.

2 MS. PALMER: That's it.

3 MR. SMITH: Well, I've --

4 MS. PALMER: Those three.

5 MR. SMITH: Oh, those are the only three? I'm  
6 not sure you had to subpoena your own --

7 MS. PALMER: Yes. But one of them, one of them  
8 is here on subpoena.

9 MR. SMITH: Well, I've been told that there are  
10 witnesses here in this, this room in Reno, or in Carson  
11 City. Sorry.

12 MS. PALMER: I --

13 MR. SMITH: You're not aware of that?

14 MS. PALMER: Correct, that the witness, the  
15 witness who was subpoenaed is in that room.

16 MR. SMITH: Okay. Only one?

17 MS. PALMER: Yes.

18 MR. SMITH: Okay. I did not receive a copy of  
19 that subpoena.

20 Number two, going on to the statutory language,  
21 I think, the Board can read the statutes and the plain  
22 language of the statute. It's actually Ms. Palmer who  
23 is recharacterizing that statute and putting in language  
24 that's -- that there's a -- the reason why it's worded  
25 the way it is, is to make sure that the hearing is set

1 not later than a certain time.

2 That's not what the statute says. The statute  
3 is clear. And I don't know how we make it any clearer.  
4 But it says "The Board shall determine the time and  
5 place of the hearing as soon as reasonably practical  
6 after receiving" -- "after receiving respondent's  
7 answer."

8 That did not happen. I don't know how you can  
9 get it any clearer than that. The hearing was set  
10 before receiving respondent's answer. Clear violation  
11 of that statute.

12 The Board cannot change the language, alternate  
13 it, reverse it, add words to it. That's the job of the  
14 Legislature. The Legislature wrote this. We can't  
15 change the language. It's clear.

16 Let me address really quickly Ms. Palmer's  
17 suggestion that my client voluntarily suspend his  
18 license in order to get a continuance. That is almost  
19 outrageous of a proposal, frankly.

20 To say to a licensee, who has over 500  
21 employees, right before Christmas, with numerous  
22 customers and clients who demand and require security  
23 services, to say "Suspend your license, all the  
24 employees are now done, you're out of work, license  
25 suspended; customers, you don't have security services,"

1 so now they have to go find competitors to put him out  
2 of business -- that's exactly what she's doing, is  
3 proposing that he go out of business -- that is  
4 improper. It shouldn't even be a suggestion to grant a  
5 continuance.

6           And as Ms. Palmer said in her letter to me,  
7 normally, she grants a continuance upon request. She  
8 wouldn't dispute a continuance. I have her letter to me  
9 that says that, "I will grant a continuance. Normally,  
10 I do. But in this case, I'm not going to do it.  
11 Because I'm concerned about security." Security. What  
12 security? She hasn't identified.

13           These are procedural violations at issue in  
14 this case. Procedural violations. These are not  
15 substantive issues where someone is working, who has a  
16 violent past, who's a felon, who's doing any of these  
17 kind of things.

18           So I'm not sure what she means by being  
19 concerned about security. But I find that, you know,  
20 offensive, frankly, to even suggest that if we go for  
21 another 90 days, that there's going to be some security  
22 issue, considering that, as she mentioned, the last  
23 notice of violation was in July, and they didn't --  
24 weren't so worried about security violations that they  
25 didn't immediately file a complaint back then.

1           So with all due respect, I would ask this  
2 Board, for due process reasons, for statutory reasons,  
3 to allow a 90-day continuance so we can all get all our  
4 ducks in a row, all our exhibits in a row, so we can  
5 present a reasonable and fair defense to this case.

6           And, frankly, I would like an opportunity to  
7 present the case in Las Vegas, where the witnesses are,  
8 so I can cross-examine them there. I would like time to  
9 be able to fly to Vegas, with my client and other  
10 witnesses to show up. I even need time now because I  
11 discovered another witness what I would actually like to  
12 subpoena, but I don't have time.

13           Nevertheless, I think, it would be more  
14 convenient for the Board as well, for a continuance, is  
15 if we were all there -- I won't ask the Board members up  
16 here in Carson City to travel to Vegas, but for  
17 respondent and myself, where we can have the exhibits in  
18 front of everybody, the witnesses in front of everybody,  
19 to see everything that's going on, and present a  
20 reasonable defense.

21           Thank you.

22           MS. PALMER: You mischaracterized something  
23 that I said. I'd like an opportunity to address that.

24           MR. SMITH: That's up to the Board.

25           MS. PALMER: May I?

1 BOARD CHAIRMAN ZANE: Go ahead.

2 MS. PALMER: You said that I'm trying to change  
3 the language of the statute. That's not true. I want  
4 the Board to read the statute exactly in the order that  
5 it's written, minus the emphasis added, because that's  
6 something that counsel did.

7 What I'm suggesting is that counsel is, in  
8 fact, asking you to interpret the statute in a way that  
9 would require you to rewrite it so that it has the  
10 clarity that he's seeking. He wants you to move the  
11 italicized portion to the front of that sentence, so  
12 that it's clear that you cannot set the time and date of  
13 the hearing until after you receive the answer, when, in  
14 fact, it says you "shall determine the time and place of  
15 the hearing" and that the hearing itself cannot be held  
16 until after receiving the respondent's answer.

17 MR. SMITH: That's not -- you just --

18 MS. PALMER: And as he indicated --

19 MR. SMITH: That's not what it says.

20 Objection. That is not what it says at all. The  
21 sentence that you just read does not say that at all,  
22 not at all. And I move to strike that completely.  
23 Because that is entirely improper.

24 MS. PALMER: The only --

25 MS. BRADLEY: Okay. So --



1 MS. PALMER: That is absolutely --

2 MR. SMITH: Read the sentence. Read the  
3 sentence.

4 MS. PALMER: Yeah, the Board --

5 MS. BRADLEY: So there's been an objection,  
6 Mr. President. So Ms. Palmer should respond to the  
7 objection, and then you should rule on that. So  
8 Ms. Palmer's --

9 MS. PALMER: Repeat the objection.

10 MS. BRADLEY: The objection was --

11 MS. PALMER: The objection --

12 MS. BRADLEY: I think, his objection, as I  
13 recall, was "The sentence you just read is not what it  
14 says. You just said it, a wrong sentence. I move to  
15 strike."

16 And so what's your response?

17 MS. PALMER: Well, first of all, I'm not going  
18 to read it from his argument. I want to compare it to  
19 the actual statute.

20 MR. SMITH: Well, I believe, my motion quotes  
21 it exactly. So if you want to read it from my motion.

22 MS. PALMER: You have to hold the hearing after  
23 you -- after the answer is received. You cannot hold  
24 the hearing before the answer is received.

25 MS. BRADLEY: But I don't think it's time for

1 argument on the merits of the statute. I think, it's  
2 your response to his objection that what you said was  
3 not what the statute says. So that way, the Chair  
4 can --

5 MS. PALMER: They can read the statute.

6 MR. SMITH: They can.

7 MS. PALMER: They can read the statute.

8 MS. BRADLEY: So, Mr. President, it's now your  
9 option to decide that objection that was raised.

10 MR. SMITH: And for the record, the sentence in  
11 my motion that has the bold and the quote in there is  
12 identical, word for word, of the statute, since I cut  
13 and pasted that statute.

14 BOARD MEMBER MAHEU: Mr. Chairman, could I ask  
15 him will you read the statute?

16 MS. BRADLEY: I'll read it, if you like. I  
17 have it up here. So.

18 BOARD MEMBER MAHEU: Thank you.

19 MS. BRADLEY: NRS 648.170, and we're reading  
20 subsection 5. Subsection 5 says "The Board shall  
21 determine the time and place of the hearing as soon as  
22 reasonably practical after receiving the respondent's  
23 answer." Period. "The Board shall deliver or send by  
24 registered or certified mail a notice of hearing to all  
25 parties at least 10 days before the hearing."

1           So the part that's being disputed is what does  
2 that first sentence mean? That's what the parties are  
3 arguing to you. Currently, though, there is an  
4 objection on the floor to strike Ms. Palmer's statement.  
5 The parties have argued about that objection. And, I  
6 think, the Board president should either sustain or  
7 overrule the objection.

8           MS. PALMER: And as long as the whole statute  
9 has now been discussed, with the second sentence, I  
10 think, I would like counsel whether or not he would  
11 agree that he had at least 10 days notice of the  
12 hearing.

13           MR. SMITH: I'm not going to answer your  
14 question. What I'm going to say is we did not receive  
15 the notice of hearing after we filed the answer. And  
16 that's what's required. And then the Board, after  
17 setting the hearing -- after you get the answer, you set  
18 the hearing. This is what the statute requires. After  
19 the answer, you set the hearing. When you set the  
20 hearing, then you send out notice, and that notice has  
21 to be done 10 days before the hearing.

22           That's what the statute requires. And I think  
23 that it's as simple as possible.

24           MS. BRADLEY: Okay. But. Okay. So, counsel.  
25           Mr. President, what's your ruling on the

1 objection made by Mr. Smith that Ms. Palmer's statement  
2 be struck, because he indicated that what she said was  
3 not what the statute says? Just for the record, we need  
4 to have a ruling.

5 BOARD CHAIRMAN ZANE: Sustained.

6 MS. BRADLEY: You're staining the objection.

7 So that means --

8 BOARD CHAIRMAN ZANE: Sustained, yes.

9 MS. BRADLEY: -- her statement is then struck,  
10 struck from the record.

11 BOARD CHAIRMAN ZANE: Correct.

12 MS. BRADLEY: And I believe that both parties  
13 have addressed the merits of the motion. And so I --  
14 unless there's something that really needs to be said, I  
15 think, it's now time for the Board actually to  
16 deliberate on the motion itself, meaning whether or not  
17 to grant the respondent's motion to continue the hearing  
18 date.

19 And as part of that motion, and as both parties  
20 orally argued, there's two arguments made by the  
21 respondent. The first one is that the hearing was  
22 scheduled in violation of NRS 648.170, sub 5. The  
23 second argument is that good cause exists to continue  
24 the hearing date; and that's from NRS 648.170, sub 8.

25 So you can -- basically, the decision before

1 the Board is whether or not to grant the motion. Two  
2 arguments have been presented to you, with two different  
3 statutes as to why it should be granted. The Board can  
4 agree with one or both or disagree with one or both.  
5 And then that's going to, I think, determine how you're  
6 going to decide the motion.

7 I hope that makes sense.

8 BOARD MEMBER FLYNN: May I ask a question?

9 BOARD CHAIRMAN ZANE: Thank you.

10 Any Board questions?

11 BOARD MEMBER FLYNN: Yes, both up to Carson  
12 City and also down here. There's been mention by both  
13 counsels about witnesses and numbers and locations. I  
14 would just, for my edification, I would like to know,  
15 who would the witnesses be today, and where are they  
16 located?

17 MS. BRADLEY: I believe, Ms. Palmer said there  
18 were three witnesses.

19 Is that correct?

20 MS. PALMER: That's correct.

21 MS. BRADLEY: And one was subpoenaed?

22 MS. PALMER: Correct.

23 MS. BRADLEY: And Mr. Smith had notice of those  
24 three witnesses?

25 MR. SMITH: Correct, if they're the same ones

1 that Ms. Palmer --

2 MS. BRADLEY: And so could we, just for the  
3 record, say their names? And maybe they can waive their  
4 hands up here.

5 MS. PALMER: Yes, absolutely.

6 BOARD MEMBER FLYNN: I'd like to know their  
7 names and where they're located.

8 MS. BRADLEY: Yeah. So would you please say --

9 MS. PALMER: So the state's witnesses --

10 MS. BRADLEY: Please.

11 MS. PALMER: You want me to? The state's  
12 witnesses are Lori Irizarry. She's here in Las Vegas.

13 MS. BRADLEY: Okay.

14 MS. PALMER: Kevin Ingram. He is also in  
15 Las Vegas.

16 MS. BRADLEY: Okay.

17 MS. PALMER: And Ms. Jennafer Jenkins, who's in  
18 Carson City.

19 MS. BRADLEY: Ms. Jennafer Jenkins. Okay. So  
20 she's here. I see her.

21 BOARD MEMBER FLYNN: Thank you.

22 MS. BRADLEY: So we have one witness here in  
23 Carson and two in Las Vegas.

24 MR. SMITH: Well, we also, of course, have  
25 Mr. Hendi, who would be a witness here in Carson. And I

1 thought I heard from the room, from the audience, that  
2 there was other people expecting to testify, but I may  
3 have misunderstood.

4 MS. BRADLEY: Well, and that's -- I will say  
5 that's what I understood as well. There were a couple  
6 of people that came up to me and said they were here to  
7 testify in this matter.

8 But from what you're saying, the names that we  
9 said are the only ones. Okay.

10 MS. PALMER: That's correct.

11 MS. BRADLEY: So then that means -- and I  
12 apologize, earlier, when you asked me that (to a person  
13 in the audience). If your husband wasn't subpoenaed to  
14 be here, he is free to leave. And you're not required  
15 to be here. Of course, it's a public hearing; you can  
16 be here. But I was understanding from your statement he  
17 was under subpoena. So I apologize.

18 The Board will take -- for anyone interested as  
19 well, and there will be public comment at the end of the  
20 meeting. So even if you're not called to testify, you  
21 are able to address the Board. But they will have  
22 already made their decision in this case, potentially.  
23 And if they don't, if it's still pending, we don't allow  
24 public comment on a pending matter. So you would have  
25 to come to a subsequent meeting to make your comment.

1           The decision in a disciplinary case can only be  
2 made on the evidence that's provided. Okay. Just so  
3 the record's clear on that.

4           BOARD CHAIRMAN ZANE: Any further Board  
5 questions, comment?

6           Is there a motion?

7           MS. BRADLEY: I mean, I guess, I would, as your  
8 Board counsel, kind of suggest that there be some  
9 discussion, whether you want to do that after a motion  
10 is made or not. But, I think, the record should include  
11 a discussion of both arguments that have been raised,  
12 just so that the record is clear as to why or why not  
13 you grant the motion, why you do or do not grant the  
14 motion.

15           BOARD MEMBER NADEAU: Mr. Chair, I'm prepared  
16 to make a motion.

17           BOARD CHAIRMAN ZANE: Please.

18           BOARD MEMBER NADEAU: I move that the argument  
19 number A, the hearing was scheduled in violation of NRS  
20 648.170, subsection 5, be -- that that motion, or the  
21 basis for that part of the motion not be -- well, what's  
22 the appropriate term?

23           MS. BRADLEY: Do you agree with that, or do you  
24 not?

25           BOARD MEMBER NADEAU: I do not agree with that.



1 MS. BRADLEY: Okay. So you're saying that  
2 then -- okay. You disagree with that portion. What  
3 about the second portion?

4 BOARD MEMBER NADEAU: I wasn't prepared to make  
5 a motion to the second part.

6 MS. BRADLEY: Okay.

7 MS. PALMER: I wanted discussion on this, this  
8 motion, if there's a second.

9 MS. BRADLEY: So you're saying, then, I think,  
10 your motion would be that NRS 648.170, sub 5 --

11 BOARD MEMBER NADEAU: Does not apply.

12 MS. BRADLEY: Does not, yeah, or --

13 BOARD MEMBER NADEAU: Or there's no violation  
14 of that.

15 MS. BRADLEY: There's no violation of that  
16 statute as to the setting of the hearing?

17 BOARD MEMBER NADEAU: Correct.

18 MS. BRADLEY: Okay.

19 BOARD MEMBER NADEAU: That's my motion.

20 BOARD MEMBER FLYNN: I second. Ray Flynn up in  
21 Las Vegas.

22 BOARD MEMBER NADEAU: Mr. Chair, if I may speak  
23 to the motion?

24 BOARD CHAIRMAN ZANE: Is that a motion? Yes,  
25 sir.

1 BOARD MEMBER NADEAU: Okay. In reading the  
2 statute, I think, it can be interpreted either way,  
3 depending on how you read it. And in that, in that I  
4 accept our counsel Raelene's argument that the  
5 interpretation can be you have to have the hearing  
6 after, after the respondent's answer. We're definitely  
7 having the hearing after the respondent's answer.

8 Maybe that statute needs to be made more clear.  
9 But it could be interpreted either way. And so,  
10 therefore, I think, there's no violation of that  
11 statute. I buy counsel Palmer's argument that we're in  
12 compliance with that, that piece of the statute.

13 BOARD CHAIRMAN ZANE: Any other Board comment?

14 Okay. So we will vote on that portion of the  
15 motion to continue. All in favor of the motion, signify  
16 by saying "aye."

17 (Board members said "aye.")

18 BOARD CHAIRMAN ZANE: Any opposed, say "no."

19 Passes unanimous.

20 Do you have another motion?

21 BOARD MEMBER NADEAU: Why are you looking at  
22 me?

23 BOARD CHAIRMAN ZANE: Anybody.

24 BOARD MEMBER NADEAU: Mr. Chair, I'll make --  
25 I'll make a stab at a motion.

1 BOARD CHAIRMAN ZANE: Thank you.

2 BOARD MEMBER NADEAU: I move that the hearing,  
3 hearing date be continued to the next PILB Board  
4 meeting.

5 MS. BRADLEY: Because you're finding good  
6 cause.

7 BOARD CHAIRMAN ZANE: Is there --

8 BOARD MEMBER NADEAU: I'm finding there's  
9 sufficient -- yeah, okay.

10 MS. BRADLEY: Just so that -- I think, it  
11 should be in the motion that there's good cause.

12 BOARD MEMBER NADEAU: I think, there's cause,  
13 from the timeliness.

14 And, counsel, I apologize, but I think, I  
15 think, there -- I think, with all the information that's  
16 being thrown at us, there needs to be additional  
17 preparation. So, I think, there's good cause.

18 MS. PALMER: No, no apologies. No apologies  
19 necessary, Mr. Chairman. I'm sorry. Mr. Board Member.

20 BOARD MEMBER FLYNN: I would just like to add  
21 that --

22 MS. BRADLEY: There hasn't been a second.

23 BOARD MEMBER NADEAU: There hasn't been a  
24 second. I don't there's been a second.

25 BOARD MEMBER FLYNN: I'll second that I -- I

1 just seconded.

2 BOARD CHAIRMAN ZANE: Okay. There's a motion  
3 and a second. Any comment by the Board?

4 BOARD MEMBER FLYNN: Yeah, I think, it's a good  
5 motion, because of the lateness of the day. This is,  
6 obviously, with the spirit of discussion so far, that  
7 I'm looking forward to a very timely hearing in the  
8 future. I'm sure, given the amount of time that  
9 everybody's got to prepare, I can't wait to see the  
10 witness list.

11 MR. SMITH: Well, I appreciate that.

12 BOARD MEMBER FLYNN: And that will be -- I'm  
13 guessing, it will be a lengthy hearing. But we also  
14 have other stuff we need to cover on our agenda. And  
15 I'd like to get out of here before 8:00 or 9:00 o'clock  
16 tonight. Even though I know both counsels work till  
17 midnight, I want to be home by 8:00.

18 BOARD MEMBER MAHEU: I'd go for 7:00.

19 BOARD CHAIRMAN ZANE: Any further discussion on  
20 the motion?

21 Hearing none, voting in favor, say "aye."

22 (Board members said "aye.")

23 BOARD CHAIRMAN ZANE: Voting opposed, say "no."  
24 Carries unanimous.

25 MS. BRADLEY: And just for the record, if I

1 could, Mr. President and Mr. Executive Director  
2 possibly, do we have a date for that next hearing? So  
3 that way, the respondents know today what the hearing  
4 date will be.

5 MR. INGRAM: Yes. That would be March 3rd of  
6 2016.

7 MS. BRADLEY: Okay. And is that the second day  
8 of the meeting or the first day?

9 MR. INGRAM: That is the second day of the  
10 meeting.

11 MS. BRADLEY: Okay. And that's when you  
12 normally have the disciplinary matters?

13 MR. INGRAM: That is correct.

14 MS. BRADLEY: Okay. I just want to make sure.  
15 And this way, the record does show that they actually  
16 know the date today. And so does the state.

17 MR. SMITH: And may I make a suggestion that I  
18 have a feeling this is going to be a rather lengthy  
19 hearing, so if there are matters that you need to wrap  
20 up the day before or some other time, or other matters  
21 you may want to bump to the next hearing date, we may  
22 want to, the Board may want to consider that. Because I  
23 suspect this is going to take four or five hours, six  
24 hours, you know, once we get all the exhibits and  
25 witnesses and cross-examination.

1           So that's just my anticipation. I don't know  
2 what the Board would like to do, but I leave it up to  
3 them.

4           MS. PALMER: I guess, the only thing I would  
5 say in response is do we -- because that is a regular  
6 meeting date, and we would have normal matters on that  
7 hearing, is that should we have a special date just for  
8 this particular matter; and is it necessary to extend it  
9 out, then, until March?

10           MR. SMITH: I would think that this is  
11 necessary, given the holidays, because I don't think --  
12 you know, Ms. Palmer and I both, even though we work  
13 till midnight, I don't think we're going that through  
14 all the holidays.

15           And so I would ask that it be continued out to  
16 March. But a special day, if you want to set a special  
17 day in March just for this hearing, we have no objection  
18 to that.

19           MS. BRADLEY: And I would indicate, just so the  
20 Board's aware, I mean the motion was for a 90-day  
21 continuance, and you have granted that motion. So, I  
22 think, we are probably looking to March, based on the  
23 Board's decision to grant the motion. It may be that  
24 you want to have maybe a three-day meeting and the first  
25 day be this matter. You know, it's totally up to the

1 Board and the Board staff.

2 But I just wanted, if we could, to have the  
3 date on the record so that everybody's aware and that  
4 Mr. Smith has that date in his calendar as well. I just  
5 didn't want to see a future problem.

6 MR. INGRAM: Mr. Chairman?

7 BOARD CHAIRMAN ZANE: Yes.

8 MR. INGRAM: Mr. Chairman, if I can make a  
9 suggestion that even with the lengthy agenda that we had  
10 yesterday, we wrapped up fairly early. With the Board's  
11 permission, I could easily move all work card appeal  
12 hearings to day one, following the licensing hearings,  
13 or we could even do those prior to the licensing  
14 hearings. And that would eliminate a concern for me,  
15 too.

16 BOARD CHAIRMAN ZANE: Okay. That's just a  
17 scheduling matter for you?

18 MR. INGRAM: Just an aside. Yes.

19 BOARD CHAIRMAN ZANE: Okay.

20 MS. BRADLEY: Okay. So, then, it sounds like  
21 we're going to stick with the March 3rd timeframe.

22 MS. PALMER: Yeah, counsel, just so that I  
23 understand, is it necessary for us to then renotice the  
24 hearing, or is it continued to that date and no  
25 additional notice is required?

1 MS. BRADLEY: I think --

2 MS. PALMER: Perhaps opposing counsel has --

3 MS. BRADLEY: I think, normally, you would  
4 still send a notice out, an open meeting law notice, as  
5 required by 241.033 and 34. So that's what I would  
6 recommend anyway --

7 MS. PALMER: Okay.

8 MS. BRADLEY: -- that the Board send that  
9 letter out by certified mail 30 days prior, to  
10 Mr. Smith. Then there's no question that he has notice  
11 and he's been, you know -- and, also, too, we would now  
12 have the second issue that this is on the record.  
13 That's all. I just didn't want anyone to be surprised.

14 MR. INGRAM: Board counsel? Board counsel,  
15 Kevin Ingram. You had mentioned just a few minutes ago  
16 that we had extended the meetings by 90 days. Just a  
17 quick calculation, March 3rd will not be 90 days.

18 BOARD MEMBER NADEAU: My motion was to the next  
19 Board meeting.

20 MR. SMITH: That's fine. I waive that exact 90  
21 days. It was more of an approximate 90 days.

22 MS. BRADLEY: Okay.

23 MR. SMITH: It's really to the next Board  
24 meeting.

25 MR. INGRAM: Okay. Thank you.



1 MS. PALMER: Well, and if the motion that was  
2 granted was to the next Board meeting date, then that  
3 date --

4 MS. BRADLEY: Yeah.

5 MS. PALMER: -- would be whenever the Board  
6 wants to set it.

7 MS. BRADLEY: Yeah. Yeah.

8 MR. SMITH: I see.

9 MS. PALMER: And so I would --

10 MS. BRADLEY: And I apologize for misspeaking.  
11 His conclusion says approximately 90 days. And the  
12 motion made by member -- Nadeau?

13 BOARD MEMBER NADEAU: Correct.

14 MS. BRADLEY: Okay. I don't -- want to say it  
15 right. Was to put it to the next Board meeting. So  
16 that would be March 3rd, 2016.

17 MR. SMITH: And that was our motion. So, I  
18 think, we're all clear and good on that.

19 MS. BRADLEY: Okay.

20 MR. INGRAM: Okay. Thank you for the  
21 clarification, counsel.

22 BOARD MEMBER FLYNN: One other question, for  
23 the counsel up in Carson City. We've all got our  
24 devices. Did your client take a look to make sure he's  
25 in town that week, he's not out of town, or some high

1 school reunion or cruise or family vacation or something  
2 like that?

3 MR. SMITH: I've checked my own calendar, and I  
4 am clear on March 3rd. But I haven't checked with  
5 Mr. Hendi's calendar. I don't know if he can make  
6 himself available on March 3rd, but I'm assuming that he  
7 can.

8 MR. HENDI: Absolutely.

9 MR. SMITH: And I will make sure that he is.

10 MS. BRADLEY: Mr. Hendi is saying  
11 "Absolutely" --

12 BOARD MEMBER FLYNN: Oh, I just heard him say  
13 it.

14 MS. BRADLEY: -- "Absolutely," just in case you  
15 didn't hear.

16 BOARD MEMBER FLYNN: Okay. Thank you. Oh, I  
17 heard that loud and clear. I'm going to remember.

18 MS. BRADLEY: Okay.

19 MR. INGRAM: Next agenda item.

20 BOARD CHAIRMAN ZANE: Okay. We're done there?

21 MS. BRADLEY: Okay.

22 MR. SMITH: Thank you. Thank you, Board  
23 members.

24 MS. PALMER: Thank you. Thank you,  
25 Ms. Bradley.

1 MR. SMITH: Thank you, Ms. Palmer.

2 BOARD CHAIRMAN ZANE: Okay. We'll wait for it  
3 to quiet down a second.

4 (There was a brief period off the record.)

5 BOARD CHAIRMAN ZANE: Okay. Agenda item number  
6 15, discussion and decision on whether Board members  
7 should have some type of credentials, e.g., lapel pins,  
8 badges, et cetera, for possible action.

9 MR. INGRAM: Mr. Chairman, this, this agenda  
10 item was requested on behalf of Board Member Nadeau. So  
11 I'll turn that over to him. I'm sorry. Maheu. I said  
12 Nadeau. Maheu.

13 BOARD MEMBER NADEAU: I'm going, I didn't  
14 remember that being the case.

15 BOARD MEMBER MAHEU: Just get in, get along  
16 with it, deal with it, Jim.

17 I grabbed this motion only because a number of  
18 the other commissions and boards have some form of  
19 identification, lapel pins, badges, et cetera. And I'm  
20 very proud of being on this Board. And I would like to  
21 show that pride by at least having a lapel pin when we  
22 come to Board meetings or when we go to political  
23 functions or other various and sundry things.

24 And it was just I notice all my Navy friends  
25 have badges and pins and metals of honor and everything

1 else. So I'm just suggesting that we get some kind of  
2 a, you know -- that's all it is, is a suggestion.

3 BOARD MEMBER FLYNN: I've got -- is there a  
4 logo right now for the Private Investigator's Licensing  
5 Board?

6 MR. INGRAM: The Board has an approved logo,  
7 yes, sir.

8 BOARD MEMBER FLYNN: Okay. Is that something  
9 we can see?

10 MR. INGRAM: I do not have it with me.

11 BOARD MEMBER FLYNN: No, I mean does anybody  
12 have it like in their computer or?

13 MR. INGRAM: No, because we don't have access.

14 BOARD MEMBER FLYNN: Okay.

15 MS. IRIZARRY: It's on the website.

16 BOARD MEMBER FLYNN: Oh, is it, our logo?

17 MS. IRIZARRY: On our newsletter, on our  
18 previous newsletter.

19 BOARD MEMBER FLYNN: On our newsletter.

20 MS. IRIZARRY: On our previous newsletter. So  
21 the February 2014 newsletter is on the website. The  
22 logo's in the top right corner.

23 MR. INGRAM: Thanks, Lori.

24 BOARD MEMBER FLYNN: Lori, where do I find the  
25 newsletter? I'm on the website. Oh, I see. I see.

1 Newsletter. And go to February, you said?

2 MS. IRIZARRY: February. February 14, the  
3 Board.

4 BOARD MEMBER FLYNN: Got it. Okay. It looks  
5 nice.

6 BOARD MEMBER MAHEU: Yeah.

7 BOARD MEMBER FLYNN: Did you guys find it up  
8 there in Carson?

9 BOARD MEMBER NADEAU: Yeah, we're looking at  
10 it.

11 BOARD MEMBER FLYNN: All right. And that's  
12 what you're proposing that we have, that logo?

13 BOARD MEMBER MAHEU: Well, no. What I'm  
14 proposing is that we have some form of lapel pin, badge,  
15 logo, to identify ourselves as a member of the Board,  
16 that we're all proud of being on and serving on, as  
17 other boards and commissions have. I'm not proposing  
18 artwork. I don't do art. But that would be totally  
19 satisfactory, or any other.

20 You know, I'm not going to die on my sword over  
21 this thing. I'd just like to see us have something.

22 BOARD MEMBER FLYNN: Obviously, there would be  
23 a cost, correct?

24 MR. INGRAM: There would be a cost.

25 BOARD MEMBER FLYNN: Has anybody done any

1 exploration into how much a lapel pin like that would  
2 be?

3 MR. INGRAM: No, I don't think it would break  
4 our bank. They're not that expensive. Most of the cost  
5 is for the setup.

6 BOARD MEMBER FLYNN: Do you want to put that in  
7 a motion? You want more discussion?

8 BOARD MEMBER MAHEU: No, I want you to put it  
9 in a motion.

10 BOARD MEMBER FLYNN: I'm thinking about getting  
11 a tattoo (pointing to the screen).

12 I'll make a motion that we allow staff to  
13 explore and seek a cost on the artwork from the February  
14 two thousand and -- 15?

15 MS. IRIZARRY: 14.

16 BOARD MEMBER FLYNN: -- 14 newsletter to  
17 determine how much to buy an appropriate number of lapel  
18 pins for Board and staff, and use that as an identifying  
19 emblem for the Board and staff.

20 BOARD MEMBER MAHEU: Could I, could I just  
21 amend your motion real quickly?

22 BOARD MEMBER FLYNN: Yes.

23 BOARD MEMBER MAHEU: If it's possible.

24 Counsel, can I just volunteer to just go ahead  
25 and pay for that cost?

1 MS. PALMER: I don't know the answer to that.  
2 But if the -- and I apologize. It would require me to  
3 do a little research on that.

4 BOARD MEMBER MAHEU: No, I was just wondering  
5 if the Board would. Is it possible?

6 MS. PALMER: But what I was going to say --  
7 well, no. What I would say is, Member Maheu, because  
8 that you have is -- right. So if you can, then, you  
9 know, I'll find out. And then if the Board agrees that  
10 that's how it'll be handled, if that can be done.

11 BOARD MEMBER MAHEU: That's fine.

12 MS. PALMER: And if not, then we're back to  
13 another way of doing it.

14 BOARD MEMBER FLYNN: I amend my motion that if  
15 Board Member Maheu can pay for those, to allow him to  
16 pay for them.

17 MR. INGRAM: Would you like to put in there,  
18 also, that if it's a cost under \$100, I can definitely  
19 cover that.

20 BOARD MEMBER FLYNN: And if it's a cost under  
21 \$100, the PILB will cover it.

22 BOARD MEMBER MAHEU: Beautiful.

23 BOARD CHAIRMAN ZANE: Okay. Is that, is the  
24 record clear there, ma'am?

25 THE REPORTER: Yes. I think it is, yes.

1 BOARD CHAIRMAN ZANE: Okay.

2 THE REPORTER: I know, I know it is, yes.

3 BOARD CHAIRMAN ZANE: We have a motion. Do we  
4 have a second?

5 I'll second it. Any Board discussion?

6 All in favor?

7 (Board members said "aye.")

8 BOARD CHAIRMAN ZANE: Any opposed?

9 Thank you. Carries.

10 Number 16, discussion and decision on whether  
11 the Board should be proactive in distributing "Active  
12 Shooter" training media to license holders in an attempt  
13 to saturate the security industry and its clients, for  
14 possible action.

15 MR. INGRAM: Mr. Chairman, this stems from a  
16 discussion that Board Member Flynn and I were having in  
17 regards to another situation. So, you know, I'll turn  
18 it over to Mr. Flynn.

19 BOARD MEMBER FLYNN: We're all aware of the  
20 tragedy that occurred in San Bernardino, as well the  
21 incidents of mass shootings in the United States.

22 And Director Ingram and I had a phone  
23 conversation, and he was looking for something that the  
24 Board could do and the industry can do to protect the  
25 citizens of Nevada as soon as possible. And we did



1 everything from have a discussion about mandatory  
2 training to coming up with a lesson plan. And we came  
3 to a consensus that we should do something as rapidly as  
4 possible, while it's fresh in people's minds, as well as  
5 the concern.

6 And I brought up the fact that there's an  
7 outstanding video that many public safety entities have  
8 been pushing out and they used in the Department of  
9 Homeland Security. And it's only six minutes, and it's  
10 how to defend yourself or take action during an active  
11 shooter at the workplace.

12 And what the Director and I, what we want to  
13 propose is that if you agree with us that this  
14 six-minute video is worthwhile for the protection of our  
15 citizens as well as your clients, that the Board have a  
16 resolution and we push this video out to all licensees,  
17 encouraging them to share it with their clients, either  
18 via e-mail or during whatever training they determine  
19 would best meet their needs.

20 But we also -- before we have any discussion,  
21 if you don't mind, we'd like to run this quick  
22 six-minute video. And some of you may have seen it.  
23 It's been shown on the national news. It's been shown  
24 on -- as well as cable news networks, as well as several  
25 public safety entities within the state have already

1 shown it. But for the purposes of today and purposes of  
2 the record, we'd like to run the six-minute video.

3 MR. INGRAM: Okay. So I'm going to go ahead  
4 and start the video. We think we have it set up to  
5 where it's going to show north and south. IT was in  
6 here this morning. So give me just a minute, and I'll  
7 try to queue that up.

8 You may have some difficulty with audio. If  
9 you do, please let me know. Okay. So we'll go ahead  
10 and get that started, hopefully.

11 BOARD MEMBER FLYNN: Can you see that up in  
12 Carson?

13 BOARD MEMBER COLBERT: Yes.

14 (The six-minute "Run, Hide, Fight" video was  
15 played.)

16 BOARD MEMBER MAHEU: That's excellent.

17 BOARD MEMBER FLYNN: Thank you.

18 BOARD MEMBER COLBERT: It's very good.

19 BOARD MEMBER MAHEU: Excellent. Mike.

20 Ask, ask Mr. Spriggs if he had any comments,  
21 since he is does this in a number of schools and other  
22 places. Is that okay, Mr. Chairman? Is that okay,  
23 Mr. Chairman?

24 BOARD CHAIRMAN ZANE: Pardon? Sure.

25 MR. SPRIGGS: There are numerous. There's

1 another excellent video.

2 BOARD CHAIRMAN ZANE: Can you hear that  
3 alright?

4 BOARD MEMBER FLYNN: Come up to the front.

5 MR. SPRIGGS: Oh, I'm sorry. Excuse me.

6 Michael Spriggs, Spriggs Incorporated and the  
7 president of the Nevada Society of Professional  
8 Investigators.

9 There are numerous other videos put out by  
10 Homeland Securities. There's an excellent one by the  
11 Los Angeles County Sheriff's Office. It was on YouTube.  
12 It just came out recently to a couple agencies, and then  
13 they put it out for public on YouTube, and it is an  
14 excellent one. It goes -- it's a little lengthier, goes  
15 into more detail. But the bottom line is the same  
16 thing.

17 BOARD CHAIRMAN ZANE: Run, hide, fight?

18 MR. SPRIGGS: Run, hide, fight. Police  
19 tactics, the majority of us being either retired  
20 policemen or federal agents or whatever, police tactics  
21 since the Sandy Hook shooting have changed tremendously.  
22 They used to -- the old way we did with a lot of things  
23 were to -- if there was a spill on this table, the first  
24 thing we do is get paper towels or whatever we could to  
25 keep it from going onto the carpet or the floor. The

1 same thing in shootings. The shootings, we used to go  
2 in, we used to cordon off an area, wherever the shooter  
3 or they thought the shooter was; say, for instance, a  
4 school.

5 I do a -- I provide armed security for college  
6 preparatory schools in Las Vegas. And we do four  
7 schools here. We do two in -- one in Florida and two in  
8 Arizona. That came after Sandy Hook. I was asked as a  
9 consultant to come in and talk with them. And as that  
10 progressed, we've taken, well, I guess you'd call it,  
11 proactive -- it is very proactive. We met with the  
12 terrorist task force.

13 My general manager, Mike, could you come up  
14 here, please.

15 This is Michael Chinn, works for Spriggs  
16 Incorporated. He's our general manager.

17 We have met with Metro's terrorism -- they call  
18 it something else.

19 MR. CHINN: Yeah, they have a counterterrorism.

20 MR. SPRIGGS: They have a counter. A part of  
21 Metro's new terrorism is counterterrorism regarding  
22 active shooter policies.

23 MR. CHINN: Right.

24 MR. SPRIGGS: I'll state the policy real quick,  
25 and not what their written policy is, because I'm not

1 privy to that. But the policy for most police  
2 departments, I can tell you, from Henderson and others I  
3 know intimately, they don't, we don't cordon off the  
4 area and then wait till SWAT or till the armed, the  
5 other units there before they go in. They go in as it  
6 said here. They're not going to stop and give you first  
7 aid. They -- you go over the bodies.

8 That's really easy to say in a video you saw as  
9 an adult. As a police officer, going into or on a  
10 military base, stepping over bodies, especially when  
11 they're bodies of small children, it's very -- that,  
12 that terminology is really ineffective. And we -- like  
13 I say, we know a lot of schools where this happens.

14 But we met with Metro's unit, Mike  
15 specifically. And they're -- what they suggest --  
16 because I'm going to give an example of a school here in  
17 town, which was started by our mayor 10 years ago, and  
18 that's The Meadows. It's a high volume. They have  
19 pre-K through 12th grade. And they have a closed  
20 campus.

21 MR. CHINN: Forty acres.

22 MR. SPRIGGS: Forty-acre campus. That when we  
23 met them, they had two -- when I was asked to go there,  
24 they had two security guards at the gate, for a company  
25 that's been in town for 30 years, reputable people.

1 They asked me to come in and do some consulting. I did.  
2 Then they asked again and again. And their budget was  
3 about 48, 50 thousand a year for security.

4 They spent about a million three on a camera  
5 equipment after I got through, after three different  
6 systems. We have cameras. We can control their door.  
7 We have a control center at the beginning, almost like a  
8 prison. You can, we can lock, unlock each of the doors  
9 in the building and activate cameras. When that door is  
10 open, they activate automatic.

11 MR. CHINN: It's -- we didn't sell them on  
12 the -- we sold them on the idea.

13 MR. SPRIGGS: I did not sell the camera  
14 equipment. They went with a company called North  
15 American Video. It's huge.

16 In addition to that, we have armed officers on  
17 the campus.

18 But in meeting with Metro, we needed to find  
19 out what they would like to have done and see happen.  
20 Because when you -- and all my guys are in suits. The  
21 only difference is they dress -- you know.

22 MR. CHINN: Yeah.

23 MR. SPRIGGS: They dress in a -- like a nylon  
24 shirt. It's a 5.11 tactical shirt. Their tools can  
25 never be exposed. That's part of my contract with them.

1 They can never be exposed. Even changing, everything.  
2 We run a military log book, so everybody knows how many  
3 guys comes on, what they come on, what their rounds are,  
4 how many they have, all of this.

5 But Metro suggested some ideas that haven't  
6 been -- hadn't come out yet, that we noticed. One thing  
7 they suggested, when you have a guy like this on a  
8 campus, or any one of you, you're obviously not a  
9 teacher, because most of them -- some do dress with a  
10 tie and shirt, but not often, and a sport coat.

11 We wanted to make sure, even though our guys  
12 wear lanyards with our I.D. from the Board --

13 MR. INGRAM: Right, credentials.

14 MR. SPRIGGS: Credentials. That's real great.  
15 But when the unit is arriving, they don't know who the  
16 hell -- who they are. Excuse me. My apologies.

17 So Metro came up with something for our guys  
18 that Mike here -- they all carry on their belt.

19 MR. CHINN: One, one of the things that they  
20 recommend for security personnel, so that the teams,  
21 either tactical forces that are coming in to respond  
22 from the threat, to a local law enforcement, to arriving  
23 on the scene first. So now all our officers, for  
24 identification purposes, we wear lanyards that they  
25 are -- the officers, have been trained to recognize this

1 banner.

2           And that's just another stepping-stone. When  
3 you have a heightened increase of -- from people  
4 responding to the incidents, whether -- no matter what  
5 it is. And I don't want to make it sound like this is  
6 geared toward so much schools. This is gearing more and  
7 more so to anywhere within the state of Nevada, or  
8 Carson City, Reno or Las Vegas.

9           So that is something that we are trying to  
10 streamline the thought process of the physical security  
11 standards, whether it be retail, school environment,  
12 industrial or -- or what have you. But there is, there  
13 is definitely some interest there for additional  
14 training for just like the video, the six-minute video  
15 we just watched. It opens up a different, in my terms,  
16 a different standard. That's something that we may want  
17 to take a look at when it comes down to moving forward  
18 with where the nation's headed.

19           BOARD MEMBER MAHEU: Now, I guess, I guess, my  
20 question was, do you think that we should distribute  
21 this as a board, this video, to all the security  
22 companies and all the investigators, as suggested by  
23 Board Member Flynn, well, to get out to the public what  
24 they should do in a situation, not necessarily what you  
25 guys are doing?



1 MR. SPRIGGS: One thing -- no, but it's one  
2 thing that a security contractor should be aware of.

3 One thing going along with this, this  
4 recommendation of what they're suggesting isn't just  
5 done by Metro. They use red. The police personnel  
6 would show up with red or their uniforms, where they  
7 would be able to tell the difference in somebody that's  
8 a security officer in school. They immediately put --  
9 if you're in a suit. Now, if you're in a security  
10 uniform --

11 MR. CHINN: Right.

12 MR. SPRIGGS: -- it's a different story. But.

13 And the answer to your question is, I think,  
14 it's extremely proactive for any security contractor  
15 that does -- well, just about anywhere, but buildings,  
16 schools, just like in here. As we well know today, in  
17 case there was a workplace violence issue, we had extra  
18 protection up here. That's just precautionary.

19 The good thing is, about this is that if we  
20 deal, if the security contractors and the Board deals  
21 with the licensees in the respect that this is what  
22 Metro -- I think, we should all be aware of where we  
23 live and what your agency recommends in this type of an  
24 issue.

25 It's the first time ever that Homeland Security

1 has ever come out with it. And we've, I've met with  
2 them and talked to some of those fellows. And they  
3 believe they -- what is the bottom line, something  
4 simple that these girls, that don't carry a gun every  
5 day, or women or men that don't -- there's many that  
6 don't -- that would be able to do without thinking?  
7 It's easy thinking about run, hide or get away.

8           Because most people, if you've never been in a  
9 shooting, most people quick, they're going to lock up.  
10 They're just going to quiver and sit there. It's like  
11 at this shooting of the school down in the -- where the  
12 fellow came in and asked them if they were Christian and  
13 then shot them as they stood there. You know, you got  
14 to learn to fight immediately, whether you like it or  
15 not.

16           We do have to take those recommendations.  
17 They're the best thing that's come out that I've seen in  
18 a long, long time.

19           BOARD MEMBER FLYNN: So you're in favor?

20           MR. SPRIGGS: I'm very much in favor.

21           BOARD MEMBER FLYNN: Pushing this out to the  
22 industry --

23           MR. SPRIGGS: Yeah.

24           BOARD MEMBER FLYNN: -- and asking them. It  
25 won't be an order. It would just be a recommendation --

1 MR. SPRIGGS: Of course, a recommendation  
2 that --

3 BOARD MEMBER FLYNN: -- to share with their  
4 client?

5 MR. SPRIGGS: -- there is. Or put it on the  
6 website.

7 MR. CHINN: Right.

8 MR. SPRIGGS: You know, it wouldn't hurt it, on  
9 the website, for even the P.I. people to be aware of  
10 what to tell their clients. Because it never fails.

11 MR. CHINN: Yeah.

12 MR. SPRIGGS: You have people ask What should I  
13 do if? Well, we're not all prepared, mentally,  
14 physically or with the appropriate tools at the time to  
15 do that, whether it's an open an envelope, or it's an  
16 envelope opener, or whether it's a weapon of some sort.

17 But this video is excellent. But going  
18 forward, I believe that it's a great idea. I think, the  
19 Board should go with this. I think, it's a good idea.  
20 Because -- well, everybody can project. These things  
21 have happened. And they seem to continue to happen.  
22 And they happen for numerous reasons.

23 BOARD MEMBER MAHEU: And then what I -- now I  
24 would like to make a motion that the Board actively  
25 request of their licensees to place a link on their

1 website of this video and to distribute it to their  
2 client base.

3 BOARD MEMBER FLYNN: I second.

4 BOARD CHAIRMAN ZANE: Okay. A motion and a  
5 second. Any Board comment?

6 BOARD MEMBER FLYNN: Thanks, Mike.

7 MR. SPRIGGS: Thank you.

8 MR. CHINN: Thank you. Thank you, gentlemen.

9 BOARD CHAIRMAN ZANE: And call for the vote.  
10 All in favor, say "aye."

11 (Board members said "aye.")

12 MR. SPRIGGS: You know, I have one other  
13 comment, after you get through.

14 BOARD CHAIRMAN ZANE: Any opposed, say "no."  
15 Motion carries.

16 MR. SPRIGGS: One other comment that it's even  
17 gone down to some martial arts studios. I have a  
18 14-year-old son that's been taking karate since he was  
19 two and a half years old. He's a black belt now. Mike  
20 just started going to that same studio. And yesterday a  
21 comment came up by a fellow that's an eighth degree dan.  
22 He trained with the monks, and he had -- I mean he's way  
23 up there. But he's no youngster. He's our age, some of  
24 us in here, and not on this side of the table. Still  
25 very qualified at what he does.

1           But he came up with a suggestion, because Mike  
2 and he were just talking about this, about our kids in  
3 schools. People don't realize that two thick books,  
4 depending on the size of the books that these kids carry  
5 in their backpack -- and I cannot carry my 14-year-old's  
6 backpack, because it would kill my back. I don't  
7 understand why they do this. And we've all heard that,  
8 if you've ever watched TV, about the bookbags and that.  
9 But he suggested that maybe, if there's time, and these  
10 kids -- because they talk about not taking anything with  
11 you. But if kids are in a room, locked in a room, to  
12 put their backpacks on. Because these will stop a lot  
13 of these rounds, smaller rounds, some of these things,  
14 going through.

15           But I thought that was interesting that a  
16 gentleman that owns karate studios -- there's the  
17 largest one in the United States, you know, and  
18 different studios, but made a suggestion. Because he  
19 actually himself was thinking of it. And he has  
20 children. So that's a thought that he was talking  
21 about, small children putting their backpacks on, if  
22 they're locked in a room, as a lot of them are.

23           And we teach them today about things. You  
24 know, they talk about those bandoleros, like we're  
25 talking about, they talk about them in the schools, to

1 put a red or cover those things. On all the schools we  
2 have now, wherever there's a window in a school, they  
3 have it to block out the light, turn off the lights,  
4 block them out, get them in a corner. That stuff's been  
5 going on. Those are normal things we teach them.

6 But you'd be surprised, with simple things like  
7 that for small children, that it might help some of our  
8 contractors or people, if they have kids at home, what  
9 to do, would I, what would you do. Don't just sit there  
10 like this (demonstrating), you know. Like I say, we're  
11 all prepared differently for those things.

12 Thank you.

13 BOARD MEMBER FLYNN: Thank you.

14 BOARD CHAIRMAN ZANE: Okay. Number 17,  
15 overview of the current status of GL Suite's database  
16 and demonstrations from other providers.

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

18 This is -- GL Suite, as you've heard over the  
19 three years I've been here, is a database that when we  
20 originally set it up was far superior to us, the Board  
21 staff, receiving everything paper. And, I believe, it's  
22 served, has served the Board as well. However, I  
23 believe that it's gone beyond its life expectancy.

24 We have a contract with GL Suite. It's  
25 actually GL Solutions. And we have the GL Simple Suite

1 that we use. It is very cumbersome for licensees to  
2 access. Those of you that have licenses, you know what  
3 I'm talking about. But even more labor-intensive for  
4 staff. The back end of it, to navigate, we go through  
5 multiple windows, multiple-tree directory tree items.  
6 And it has far surpassed its life expectancy. It's just  
7 not efficient for us or those that use it outside  
8 anymore.

9           So I have been having discussions with our  
10 clients auditor, Lori Irizarry. She's one of those  
11 individuals that we talk about; if you don't know how to  
12 use your smart phone, go to someone that grew up with a  
13 smart phone as opposed to those that grew up with tin  
14 cans and string. And I asked her if she would do a  
15 little research for me and to reach out and see if there  
16 were other databases that might be superior to what we  
17 have.

18           After some lengthy research, I think, she  
19 originally narrowed it down to -- five?

20           MS. IRIZARRY: About four or five, yes.

21           MR. INGRAM: Four or five entities. I know one  
22 of the entities did not get back to us at all. And  
23 other entities got back to her.

24           We actually had some demonstrations that were  
25 provided to us in the office. Some of them fit better

1 than others. Most of the demonstrations we had, up  
2 until the last demonstration, could fix part of the  
3 problem, but in fixing that, they would bring us other  
4 inherent problems. And I didn't want to fix an issue by  
5 finding a product that was going to have other issues.

6 We were fortunate enough to have the last, or  
7 second to the last presentation made by a company that  
8 has a product known as On Base. On Base is a database  
9 program much like what we have. It's hosted. It's  
10 utilized by the Nevada Secretary of State's Office for  
11 their unclaimed property. I spoke to the director over  
12 there, Linda Everhard. She said they have never had the  
13 system go down. They're very happy with it.

14 Just yesterday morning, GL -- or last night.  
15 I'm sorry. Yesterday evening, I got notice that GL  
16 Suite was going to be down, there was an emergency, and  
17 they were going to try to restore our database as  
18 quickly as possible. We were dead in the water without  
19 being down. We weren't able to conduct anything of our  
20 business.

21 On Base, I spoke with Board Member Flynn a  
22 little bit about it. And he says, "Well, we used  
23 On Base with Metro for different situations."

24 Their demonstration, it's a Windows-based  
25 program. It's set up navigation-wise much like, I would



1 say, Outlook. Is that --

2 MS. IRIZARRY: Yes, sort of like Microsoft  
3 Office Suite.

4 MR. INGRAM: Correct. And easy to navigate.  
5 And every time we asked, "Well, that's great, but can it  
6 do this?" the answer was, "Yes. Let me show you." And  
7 he made a couple of changes right there, and he was able  
8 to address that.

9 We believe that this product would be superior  
10 to what we have. I am currently working with the  
11 Department of Administration Purchasing Division. The  
12 deputy administrator, Kimberlee Tarter, is providing  
13 input. She does not believe we would have to go to RFP,  
14 because we've done our due diligence in demonstrations.  
15 She does not believe that it needs to go to the Board of  
16 Examiners for approval.

17 It would be an initial startup cost of around  
18 35 to 39 thousand dollars, which I have worked into our  
19 work program budget, and would actually be an annual  
20 commitment of approximately \$4,000 a year less to go to  
21 this new product.

22 Now, obviously, anybody that's gone through a  
23 database restructure, which I did when the state went  
24 through the IFC process, the new timekeeping system, the  
25 Advantage system that we use now, you're going to have

1 some speed bumps. You're going to have some time that  
2 we will have to be utilizing two databases during the  
3 transition, until it's fully up and operational.

4 But I do believe that this is a product that  
5 will not only benefit the Board and the feedback that  
6 you get as Board members, but it should streamline our  
7 processes with Board staff and save us a lot of  
8 man-hours in making this transaction.

9 So I wanted to bring this to your attention. I  
10 didn't put on there for action, because I don't believe  
11 it's actionable as of yet, until we finalize discussions  
12 with Purchasing to find out the length of time it would  
13 take. But I wanted to bring it to your attention that  
14 we're working diligently on trying to improve our  
15 database, make it easier for the licensees as well as  
16 staff.

17 BOARD CHAIRMAN ZANE: Thank you.

18 MR. INGRAM: If you have any questions, I'd be  
19 happy to answer any of them.

20 BOARD MEMBER FLYNN: I do.

21 BOARD MEMBER NADEAU: Mr. Chair? Oh, go ahead.

22 BOARD MEMBER FLYNN: Go ahead.

23 BOARD MEMBER NADEAU: No, go ahead, Ray. I'm  
24 sorry.

25 BOARD MEMBER FLYNN: With the 39 to 40

1 thousand-dollar initial startup cost, is there  
2 discussions as to the plan of who will export the data  
3 from the current system into the new system? Because my  
4 experience has been that if that's not in a plan, it's  
5 something that usually catches people by surprise. I  
6 mean is that going to be your office staff that's going  
7 to be doing that? Is it going to be the vendors? Have  
8 they worked with your program before? I mean is it a  
9 smooth process?

10 Those would be questions I would be interested,  
11 if we don't have the answer now, at a later date.

12 MR. INGRAM: I actually have the answer,  
13 because that was some of my concerns as well.

14 On Base would be working in conjunction with GL  
15 Suite. GL Suite does not know that we're even  
16 entertaining this. But in my current contract with GL  
17 Suite, they are required to be involved in data export  
18 if, in fact -- because we own the data; they do not. In  
19 the event of a cancellation of contract, they're  
20 responsible to work with the new vendor. On Base is  
21 fully prepared and able, within that amount of money, to  
22 do the data import.

23 So that, that would be part of it, and that's  
24 already in the proposal that I've supplied to  
25 Purchasing.

1 BOARD MEMBER FLYNN: And just a follow-up. Has  
2 On Base ever worked with GL Suite before?

3 MR. INGRAM: Yes, they have.

4 BOARD MEMBER FLYNN: Okay. Thank you.

5 BOARD MEMBER MAHEU: Just one comment. I'd  
6 like to commend Kevin to try, for trying to move this  
7 forward. For those of us that use that database on a  
8 regular basis, that we have now, it can't get a lot  
9 worse. So any, any progress forward is a march through  
10 hell.

11 MR. INGRAM: Well, when Mr. Spriggs was  
12 testifying that we put the video on our website, I was  
13 cringing, because I was thinking that's going to crash  
14 almost this time. So maybe we can incorporate that in.

15 MR. SPRIGGS: Maybe the site.

16 MR. INGRAM: I'm afraid of the length.

17 MR. SPRIGGS: Okay.

18 BOARD CHAIRMAN ZANE: Mr. Nadeau.

19 BOARD MEMBER NADEAU: Yeah. Thank you,  
20 Mr. Chairman.

21 You know, GL Suite is cumbersome. It's not  
22 user-friendly. And it's expensive to make any  
23 alterations or anything of that nature. You know, I've  
24 experienced that over the years.

25 I had a question of Kevin. Actually, my first

1 question of Kevin is, does -- you said GL Suite does not  
2 own our data. But do they hold all of our data?

3 MR. INGRAM: We own all of our data. They are  
4 merely a hosting agency.

5 BOARD MEMBER NADEAU: They host it?

6 MR. INGRAM: And they are, by contract, which  
7 is through the State of Nevada, obviously, the State of  
8 Nevada, they are required to return our data upon  
9 request.

10 BOARD MEMBER NADEAU: Okay. The next thing is  
11 this On Base, is it, is access Apple-compatible? You  
12 said it's --

13 MR. INGRAM: It is Apple --

14 BOARD MEMBER NADEAU: You said it's  
15 Microsoft-base, or Microsoft-based. But is it, is it  
16 Apple-compatible? In other words, a lot of people,  
17 probably no one on this Board, but there's a lot of  
18 people that forget that there's an Apple product out  
19 there, and it's pretty substantial.

20 So I'm asking about whether or not it's  
21 compatible. And, number two, are there applications,  
22 like smart phone apps and things like? You might have  
23 already said that. But that was my question.

24 MR. INGRAM: No, actually, I didn't. The  
25 program is not Microsoft-based. It is set up similarly

1 to Microsoft Office. They own the product. It's  
2 Windows-based. It is Apple-compatible and  
3 Android-compatible.

4           Some of the little bells and whistles that we  
5 like is there is a smart phone app that we could utilize  
6 in our on-site audits. In fact, we went as far as to  
7 asking about having QR readers, QR code readers or bar  
8 code readers, to where when we scan somebody's ID. We  
9 have the ability now to put QR code and bar code on our  
10 new work cards and licenses. And it's fully compatible  
11 with that.

12           So we would have access to data almost  
13 immediately, as well as automatic notifications to  
14 licensees that, say, have armed personnel for them. The  
15 system would automatically generate like a 30, 60, 90,  
16 whatever we determine, notice to say your armed cards  
17 are getting ready to expire, please send in for renewal.

18           It will monitor the training. It will monitor  
19 some of the items that right now we're doing by putting  
20 hash marks on a chalkboard type of thing. We're very  
21 archaic in how we monitor those.

22           All of the statistics that I'm required to  
23 present to Governor's Office, Veteran's Affairs, the  
24 Legislative Counsel Bureau are fully extractable. And  
25 they are even willing to set up those reports as part of

1 the setup, to where I click a button, and I could tell  
2 you gender, license types at a moment's notice.

3 BOARD MEMBER NADEAU: And then my last question  
4 is, obviously -- obviously, you would do this. But have  
5 you had any stakeholders look at the -- or watch the  
6 operation of it to see, or try to, just to see how  
7 other -- any input from stakeholders?

8 MR. INGRAM: Yes, I haven't, I --

9 BOARD MEMBER NADEAU: Stakeholders being guys  
10 like Jim and Peter and Mark, where -- you know what I'm  
11 saying?

12 MR. INGRAM: Right. As of now, no. If, if --  
13 once I get the information back from Purchasing, if it  
14 looks like it's something that we can do, at that time  
15 they will, they, On Base, knowing that we have a vested  
16 interest in moving forward, will provide us references  
17 for other states and other agencies that are using it  
18 besides the Treasurer's Office.

19 They are willing to set up a demonstration for  
20 the Board to show how that would work. And, obviously,  
21 if that's the case, we would invite licensees and  
22 general public to attend that presentation as well.

23 BOARD MEMBER NADEAU: Thank you.

24 Thank you, Mr. Chair.

25 MR. INGRAM: Does that answer your question?

1 BOARD MEMBER NADEAU: Yeah, absolutely.

2 Thank you, Mr. Chair.

3 BOARD CHAIRMAN ZANE: Thank you.

4 Okay. Anything else?

5 BOARD MEMBER MAHEU: Move to adjourn.

6 MR. INGRAM: We have public comment.

7 BOARD CHAIRMAN ZANE: We have public comment.

8 BOARD MEMBER MAHEU: Yeah.

9 BOARD CHAIRMAN ZANE: Anybody in Carson City  
10 who would like to make a public comment?

11 BOARD MEMBER NADEAU: Second.

12 MR. INGRAM: I wanted to be sure you said that.

13 BOARD CHAIRMAN ZANE: Anybody in Las Vegas,  
14 public comment?

15 And second and adjourned, and we're out of  
16 here.

17 BOARD MEMBER FLYNN: Happy holidays, up there,  
18 everybody. We're adjourned.

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20 (The meeting adjourned at 3:12 p.m.)

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REPORTER'S CERTIFICATE

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

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, December 10, 2015, at 9:00 a.m., and commencing at 9:02 a.m. took stenotype notes of a meeting of the State of Nevada Private Investigator's Licensing Board;

That I thereafter transcribed the aforementioned stenotype notes into typewriting as herein appears, and that the within transcript, consisting of pages 1 through 217, 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 4th day of January, 2016.

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SHANNON L. TAYLOR  
Nevada CCR #322, RMR