

State of Nevada

Private Investigators Licensing Board

June 2008

Volume 3, Issue 5

It is hard to believe that we have not published a newsletter since December 2007. Every quarter seems to get busier and busier with more meetings, unlicensed activity citation appeals, workshops, and public hearings. All of which results in a tremendous amount of preparation for staff. Let's not forget to mention the conventions, concerts, JCK and the other many events that are well under way in our state that require us to be out in the field. Senior Investigator Botello and Investigator Mautner have been very busy doing compliance checks and investigating complaints. Applications flow into this office on a daily basis with Brandi doing a tremendous job keeping up with the applications and getting the applicant information entered into the database, background information collected, entered into the reports and scheduling these individuals for exams. Elaine who is tasked with

the telephones, handling the daily licensee issues that arise, ensuring that they all have adequate supplies for their employees, assisting me in fiscal matters travel arrangements and anything else I ask her to do. Let's not forget about her copious minutes! MaryJane and Shannon do a tremendous job keeping up with the registered employees, filing and whatever else needs to be done to keep us afloat. This does not begin to cover what everyone in this office does, but I am truly blessed to work with such loyal and dedicated individuals.

Thanks so much for all that you do!

We are well into the renewal process. If you HAVE NOT received your renewal application please contact us so that you will not be penalized for renewing late. Renewals must be post-marked by June 30, 2008. If they are not, you will be

notified that you will need to remit the \$100 reinstatement

fee prior to your renewal application being processed.



PLEASE

DON'T BE LATE!!

Have a wonderful summer!

Mechele

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**Special points of interest:
Jck Enforcement/improvement Report**



BOARD MEETING UPDATES

December 7, 2007 Meeting

The Private Investigators Licensing Board met on December 7, 2007 for their regularly scheduled meeting. The Board approved: two licensees from individual status to that of qualifying agents for corporations; two new qualifying agents for existing corporations; eleven Private Investigator

licenses; eleven Private Patrolman licenses; two process server licenses and twenty corporate officers. One application was continued; two appeals of Notices of Violations were upheld with the fine suspended so long as there was no further incident; one license was suspended. The Board discussed the use of

military personnel and determined that if there was ANY compensation, these individuals were required to obtain a work card and be properly registered with the Board. There was discussion regarding ushers and ticket takers. A Board member requested that this issue be scheduled for a workshop.

February 7, 2008 Special Meeting

The Private Investigators Licensing Board met on February 7, 2008 for a special meeting. One Private Inves-

tigator license and one Process Server license were granted. Five appeal hearings were scheduled on the

agenda, two of the citations were upheld and three of the citations were dismissed.

February 8, 2008 Work Shop

The Private Investigators Licensing Board met on February 8, 2008 for a work shop to discuss ushers and ticket takers. This meeting served as a round table discussion with the functions of ushers and

ticket takers vs. security personnel and the different functions each served. The work shop concluded with Board staff being very aware of the distinction between the two. If Board staff observed an

employee performing work outside his or her typical duties, then appropriate actions would be taken. It was noted that it was not staff's intention to over-regulate the industry.

BOARD MEETING UPDATES.....continued

March 19, 2008 Meeting

The Private Investigators Licensing Board met on March 19, 2008 for their regularly scheduled meeting. The Board approved: six licenses from individual status to that of qualifying agents for

corporations; one new qualifying agents for an existing corporation; four Private Investigator licenses; five Private Patrolman licenses; two process server licenses, one reposessor license and` ` thirty-one

corporate officers. One application was denied; two requests for an exemption pursuant to NAC 648.338 were granted.

April 11, 2008 Special Meeting

The Private Investigators Licensing Board met on April 11, 2008 for a special meeting. The Board approved nine corporate officers, one Private Patrolman license and one corporate name change. One appeal hearing was scheduled and the citation was upheld. The Board discussed and ap-

proved management directives; regulatory changes; procedures for conducting background investigations; Private Investigator Exam; work cards issued by the State, rather than the individual county, and amendments to NRS to include separate categories for Mystery Shoppers, Tenant/

Employment Screeners and Computer Forensic Examiner/ Investigator. Board counsel reporting on the pending lawsuit the Board has, a settlement to an administrative appeal hearing and Federal preemption of state licensing regulation.

May 9, 2008 Special Meeting

The Private Investigators Licensing Board met on May 9, 2008 for a special meeting. There were 8 appeal hearings scheduled on the agenda, and one disciplinary hearing/ settlement agreement. The Board approved one settle-

ment agreement on a citation appeal, upheld two citation appeals, continued two of the appeal hearings and dismissed one. The Board rejected the settlement agreement on the disciplinary matter and asked that it be ne-

gotiated and amended with changes.

ADVERTISEMENTS ADMINISTRATIVE FINES

The Legislative Commission approved R-086-07 to amend NAC 648.431 that revised monetary amounts charged for violations. Included in that revision to levy an administrative fine for licensees who do not in-

clude their state issued license number on all forms of advertisements. The regulation to include the license number on all forms of advertisements has been in effect since May 4, 2006.

Many of you have received

fines for not including your license number when advertising for employment on Craig's List or other internet advertisement sites. The regulation is provided below. Be sure to share this information with your employees.

Pursuant to NAC 648.525—All advertisements are required to contain your state issued license number. Please check all forms of advertisements (including yellowpages.com, Craig's List) and be sure to include your license number.

1. In addition to the requirements set forth in [NRS 648.148](#), **Pursuant to NAC 648.525—All advertisements are required to contain your state issued license number. Please check all forms of advertisements (including**

yellowpages.com) and be sure to include your license number.

a licensee must include his state-issued license number in every advertisement and in any written communication which refers to his business, or his ability to conduct business, in this State.

2. As used in this section, "advertisement"

and "communication" include, without limitation:

- (a) Yellow-page listings or advertisements;
- (b) Brochures;
- (c) Business cards;
- (d) Letterhead or other official stationery;
- (e) Classified ads; or
- (f) Television, radio, vehicle or Internet advertisements.

Pursuant to NRS 648.135 you must maintain and provide us with your current certificates of insurance. If we do not have a current certificate of insurance, your renewal application may be delayed. The fine for not providing the certificate is \$50.

Quarterly reports —

If you have not submitted your quarterly reports for December 2007 and March 2008, be advised that you will be subject to an administrative fine. The fine is \$100 for the first non-submittal and \$200 for the



second. The third and subsequent fine amount will be \$300. June 2008 quarterly report is due June 30.

JEWELERS CIRCULAR KEYSTONE 2008 AND THE ARMORED CAR INDUSTRY

The credentials of 389 people employed by armored car companies and various private patrolman licensees were randomly examined by Sr. Investigator R. Botello and Investigator Mautner. The results are listed below.

Total Number of Employees Randomly Identified/Checked:	389
Number of Employees Unarmed:	173
Number of Employees Armed:	216
Number of Employees Armed Carrying A Nevada Firearm Card:	176
Number of Employees Armed Not Carrying A Nevada Firearm Card:	40
Preempted/Exempt:	39
Not Preempted/Exempt:	1
Number of Employees Carrying a Nevada Proof of Exam Card:	119
Number of Employees Not Carrying a Nevada Proof of Exam Card:	270
Number of Employees Carrying a County Work Card:	338
Number of Employees Not Carrying a County Work Card:	56
Preempted/Exempt:	50
Not Preempted/Exempt:	6

UNLICENSED ACTIVITY CITATIONS ISSUED

(Companies Not Licensed to do business in Nevada):	02
Subcontracted foreign security company doing business in Nevada without being licensed in Nevada:	01
Armored Car Company doing business in Nevada not Subject to reciprocity and not licensed in Nevada:	01

Audited Shows:

Luxury	GLDA	Couture
Continental	JCK	Antique

Audited Armored Car/Transport Companies:

Brinks	Dunbar Armored
Malca-Amit	Ferrari Express
G4SI	SORT
US Armored Corporation	American Armored Transport

FIVE AREAS REQUIRING IMPROVEMENT:

1 RECIPROCITY

Some armored transport companies are still under the belief that 15 USC Chapter 85 and its amendments preempt them from Nevada licensing requirements. This belief is inaccurate.

That the State of Nevada published a legal opinion interpreting reciprocity and concluded with the following:

The Armored Car Reciprocity Amendments of 1998 preempt Nevada's licensing requirements **for persons** employed by armored car companies to provide protection for goods that are transported by a company.

As long as **a person** is licensed in the state in which he or she is primarily employed, the state's licensing requirements **meet minimal federal requirements**, and the person has met all other applicable requirements in their state of primary employment, he or she need not obtain a license in Nevada pursuant to NRS 648.060(1)(a).

However, neither the Act nor the Amendments address the licensing of armored companies.

Therefore, Nevada law regarding the licensing of armored car companies is not preempted.

***Note:** All armored car companies must be licensed in the State of Nevada in the category of Private Patrolman.

2 PROOF OF FIREARMS CERTIFICATION

Pursuant 15 USC Chapter 85, if an armored car crewmember is armed and claims preemption, the crewmember shall:

Have in **his/her possession a license** issued by the appropriate state agency from the state of his/her primary employment which allows him/her to carry a weapon while acting in the services of such company.

Have in **his/her possession proof** that he/she received classroom range training in weapons safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry.

- *Note:**
- i. Reciprocity shall not be granted to an armored car crew member who can not provide proof of having satisfied the minimum requirements under 15 USC Chapter 85.
 - ii. An armored car crew member not providing said proof claiming their primarily state in which he/she is employed does not have a certification program **shall** become certified in the State of Nevada.
 - iii. The burden of proof rests on the armed individual and his/her employer.
 - iv. Anyone found in violation will be asked to leave, will be fined \$500.00 pursuant to NAC 648.431 and may be subject to arrest on local and state weapon's charges.

3 ADMINISTRATIVE STAFF

A Nevada licensed private patrolman company brought many individuals from the State of New York and other states and who were assigned specific security functions claimed them to be clerical staff. Beware, this type of behavior will not be tolerated. Any staff bestowed with a security function shall be properly processed through this Office and shall possess a county work card.

4 SUBCONTRACTING

The Executive Director compromised in her decision several years ago to allow the primary licensed armored car companies to subcontract with Nevada licensed security providers permitting them, for logistical and safety reasons, to use the primary licensed armored car company's uniform.

At this most recent event, a Nevada licensed armored car company subcontracted security services from a foreign unlicensed security provider (from another state) who in turn brought their unlicensed/unregistered employees to work JCK.

The licensed company paid the unlicensed subcontractor who paid the people providing the service. The unlicensed subcontractor was issued an unlicensed activity citation and, the decision to allow the licensed subcontractor to use the primary licensed armored car company's uniform will be revisited and possibly revised.

5 CCW PERMITS

Pursuant to NRS 202.3667 anyone carrying a concealed weapon meaning a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation "shall carry the permit together with proper identification whenever the a person is in actual possession of a concealed firearm. Both the permit and proper identification must be presented if requested by a peace officer."

A group of people were working a showroom floor carrying concealed weapons without permits to carry those weapons concealed. All violations of NRS 202.3667 shall be turned over to LVMPD for prosecution in the future.

A note from Investigator Mautner

It was the time of year again Las Vegas, NV was host to the largest jewelry show of the year, Jewelers Circular Keystone, or more commonly referred to as JCK. When JCK is in town, so are many other shows, smaller in value and size, at the various hotel and casinos. Months before JCK is approaching there are several advertisements from various Nevada licensees looking for new employees. One such venue the licensees advertise on is Craigslist. Remember licensees; put your license number in the advertisement. Most of you do, but there are a still a few of you out there, that do not.

When I was conducting compliance checks at JCK, I encountered several licensed armored car companies, employees. These employees were handling a variety of jobs such as armed security, laborers, loaders, tech support, box openers and others. The employees moved at a fast pace and everything appeared to be operating smoothly with everyone understanding their job duties. When asked for their credentials, most were cooperative, with very few behaving as though they were being inconvenienced. I was thanked by several vendors of JCK for checking the credentials of the guards at their booth; making them feel more at ease when releasing the expensive merchandise to strangers.

A Nevada licensee for one of the armored car companies gave me a tour of the "operation," to give our office a better working knowledge of the whole process, which can be quite confusing. I appreciated this and wanted to say , Thank you, Phil!

Although there are some areas which require attention, I appreciate the cooperation I did receive from the licensees and their employees.

FUTURE MEETINGS ~ WORK SHOP TOPICS

REGULATION CHANGES— Date not yet determined

Unlicensed Activity Citations—APPEAL HEARINGS August 13, 2008

DISCIPLINARY HEARING—August 13, 2008

Regularly scheduled Board meeting —SEPTEMBER 17, 2008

STATE OF NEVADA

PRIVATE INVESTIGATORS LICENSING BOARD

AGGREGATE QUARTERLY REPORT

March 11, 2008 - June 13, 2008

			Year to date
COMPLAINTS	March	June	
New Complaints	33	38	71
Closed Complaints	53	40	93
Total Pending Complaints	157	123	
Complaints of Licensees	3	6	
Complaints Assigned to No.	4	36	
Complaints Assigned to So.	62	64	
Investigator Botello			
Citations:			
Citations Issued	10	10	20
Cease & Desist Letters Written	9	7	16
Backgrounds Completed	61	23	84
Corporate Officers	28	12	
Corporations	14	6	
Qualifying Agent/Individual	19	5	
Conventions/Show Inspections	2	2	
Investigator Mautner			
Citations:			
Citations Issued	3	6	9
Cease & Desist Letters Written	1	7	8
Backgrounds Completed	0	24	24
Corporate Officers	0	12	
Corporations	0	4	
Qualifying Agent/Individual	0	8	
Conventions/Show Inspections			
Backgrounds Rejected/Withdrawn	10	6	
Backgrounds Pending	33	67	
Corporate Officer/Director/Members	10	28	
Corporations	11	12	
Process Server	0	5	
Repossessor	0	0	
Canine Handler	1	0	
Polygraph Examiner	0	0	
Private Investigator	6	10	
Private Patrolman	5	12	

	March	June	Year to date
Executive Director:			
Audits & Violations			
Audits	0	1	
Violations	12	19	
Conventions/Show Inspections	3	0	
Cease and Desist Letters Written	0	0	
Workshop	1	0	
Authorization to work in Nevada pursuant to NAC 648.280		1	

Send quarterlies to : pilbinfo@ag.nv.gov
Automatic response to confirm receipt!

KUDOS TO STAFF!!

On March 19, 2008, my Private Investigator's license was approved at the regularly scheduled Boiard meeting. I just wanted to express my appreciation for the work of your staff during this process. I had several contacts and questions during the licensing process and each time I visited or called your office your staff was always extremely helpful, polite and professional. Each of my questions was answered accurately and quickly. This included both those in your office and your background investigators. I am not in the habit of writing letters such as this but the service I received was notable. I have expressed my positive experience to Board Chairman David Spencer. Please extend my thanks and appreciation to your personnel.

Sincerely,

Michael F. McKinley



Please note: Our e-mail addresses have changed:
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Kristine — kmautner@ag.nv.gov

Military Personnel and Licensees

The Private Investigators Licensing Board discussed the issue of licensees utilizing military personnel. It was determined that if there was **ANY COMPENSATION**, to anyone, these individuals were required to obtain a work card and be properly registered with the Board as any employee of a licensee hired as security would be required to do.



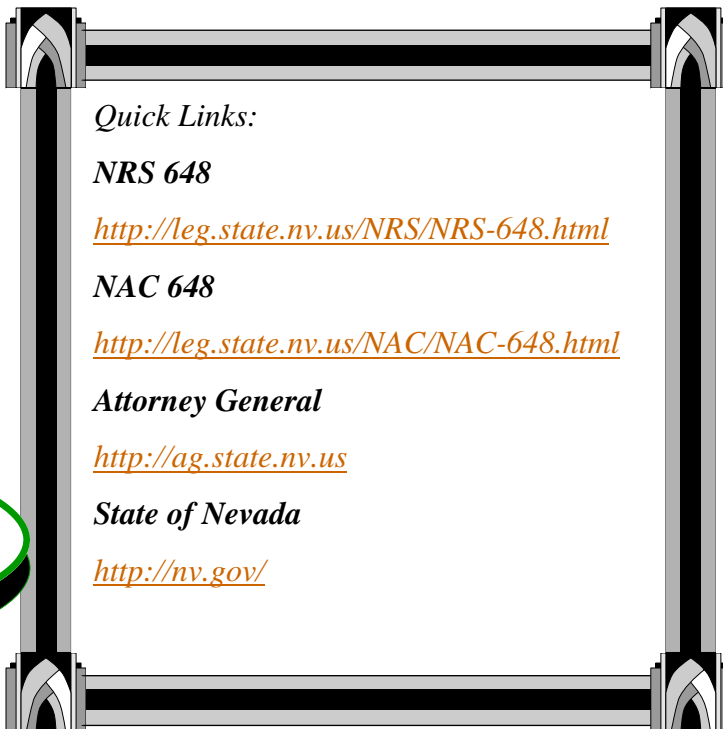
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Any questions or comments regarding
this newsletter, please contact

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IMPORTANT DATES TO REMEMBER:

Board Meetings

Carson City

June 18, 2008

September 17, 2008

Las Vegas

December 10, 2008

(Meetings located in Carson City will
be video-conferenced to Las Vegas)

(Meetings located in Las Vegas will be
video-conferenced in Carson City.)