

1 LOUISIANA STATE BOARD OF PRIVATE SECURITY EXAMINERS
2 QUARTERLY BOARD MEETING
3 AND
4 ADJUDICATORY HEARINGS

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9 Louisiana State Board of Private Security Examiners
10 15703 Old Hammond Highway
11 Baton Rouge, Louisiana

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15 May 22, 2014

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20 Reported By
21 ANNETTE ROSS, CCR, RPR

APPEARANCES

BOARD MEMBERS:

Louis S. Gurvich, Jr., Chairman, District 1

Thomas L. Baer, District 3

Donald O. Cotton, District 5

Charles V. Duplechain, District 4

Kenneth R. Kennedy, Member at Large

Christine Vinson, Vice Chairperson, Member at Large,

(Entered Hearing After Roll Call)

Mark Williams, Member at Large

COUNSEL:

Adrienne Aucoin, Esq.

BOARD STAFF:

Mr. Wayne R. Rogillio

Ms. Jane Ryland

Reported by: ANNETTE ROSS, CCR NO. 93001,

Certified Court Reporter, in

and for the State of Louisiana

(Annette Ross officiated in administering the oath to the witnesses.)

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1
2 MR. GURVICH: I'd ask everyone, welcome to the
3 state board quarterly meeting. I'll ask Chief Rogillio
4 to please lead us in The Pledge, followed by a brief
5 moment of silence.

6 MR. ROGILLIO: All right, sir.

7 (Pledge of Allegiance and brief moment of silence.)

8 MR. GURVICH: Thank you. May we have a quorum
9 call, please. No one wants to sit next to me,
10 apparently.

11 (Roll call.)

12 MR. GURVICH: Okay. We have a quorum. Do we do
13 the reading of the minutes, I guess, at this point --

14 MR. ROGILLIO: Yes, sir.

15 MR. GURVICH: -- or do I hear a motion to waive?

16 MR. KENNEDY: (Indicates.)

17 MR. COTTON: Second.

18 MR. GURVICH: Motion by Mr. Kennedy, second by
19 Mr. Gurvich and by Mr. Cotton over there. Any
20 discussion/debate? All in favor say aye. Any opposed?
21 The motion passed unanimously. Next matter.

22 MR. ROGILLIO: Can we skip the -- amend the
23 agenda and move down to the Miscellaneous, Budget.

24 MR. GURVICH: Sure. Anybody who is waiting, I
25 think we can get them up and out before we get into the

1 | hearings. How many hearings do we have today?

2 | MS. AUCOIN: Just one.

3 | MR. GURVICH: Just one. Okay. What's your
4 | pleasure, Chief?

5 | **NEW BUSINESS, MISCELLANEOUS, BUDGET**

6 | MR. ROGILLIO: Mr. "Mack."

7 | MS. RYLAND: Budget information is stapled in
8 | your packet behind your Agenda. There's a Balance Sheet,
9 | and if you will go on back, you will see the Budget.

10 | MR. MCRIGHT: We're going to cover the Operating
11 | Statement at this time, or the current financial
12 | statements.

13 | MS. RYLAND: You can do that first.

14 | MR. MCRIGHT: Okay. Good morning. Thank y'all.

15 | MR. GURVICH: Good morning. We have several
16 | things to present to you this morning. The first thing
17 | will be -- there should be some pages, about four pages
18 | stapled together that says -- first page says Balance
19 | Sheet.

20 | MS. RYLAND: That's going to start on the fourth
21 | page of the packet.

22 | MR. MCRIGHT: What we have here is the current
23 | financial statements for the month of -- through the
24 | month of April 2014. The balance sheet basically shows
25 | that y'all have cash in money markets on hand of 715,000.

1 Then you have property, buildings, furniture, net of
2 depreciation of 361,000, giving you total assets as of
3 April 30th, \$1,076,971 (sic).

4 We have Liabilities, Current Liabilities, which is
5 basically your current payables stuff, and Reserve for
6 Compensate Absences, a total of 78,000.

7 We also have Long-Term Liability. That's Other Post
8 Employment Benefits that's required to be reported now of
9 493,000. That will probably be going up with the audit
10 by another 70-, \$80,000 for the end of the year.

11 In comparing to a low -- a normal business, y'all
12 have a retained earnings roughly of \$500,000. Of that
13 amount, 371,000 is invested in capital assets.

14 On, I guess, two pages over, we have the income and
15 earnings statement for the period ending -- the ten
16 months ending October -- I mean, April 30th, 2014. We
17 had Total Revenues year to date as of April 30th of
18 \$798,867. The majority of that, 33 percent, roughly, is
19 from guard renewals. The other items are -- what is
20 that? Was that guard renewals? I'm sorry. Guard apps
21 and re-apps and renewals. That, plus guard renewals of
22 70,000, gives you roughly 40 percent of your revenue for
23 the year through April 30th.

24 On the bottom part of the page, you have \$707,000
25 worth of expenses. The majority of that is roughly

1 \$400,000 worth of payroll. So roughly half of your
2 expenditures go to cover payroll for the period so far.

3 The other items were all the investigators, your
4 pensions in here. Those are your -- LASERS is \$97,000.
5 So you take LASERS and your regular payroll. That's 60
6 percent, a little more than 60 percent of your operating
7 expenses for the period.

8 That's just a basic summary of where we stand as of
9 April 30th. We will get into more details as we move
10 over here to the budget items. We'll kind of explain our
11 projections to get you through June 30th, and maybe we
12 can -- unless y'all have any specific questions about
13 this, before we can move on at this time.

14 MR. GURVICH: For the year, you would be
15 somewhere north of 150,000 in retained earnings based on
16 a straight line projection?

17 MR. MCRIGHT: Of retained earnings?

18 MR. GURVICH: Right. Your ending retained
19 earnings for the 12th month. This is a ten-month, is it
20 not?

21 MR. MCRIGHT: Right. That is for ten months.

22 MR. GURVICH: So you would be somewhere north of
23 150,000?

24 MR. MCRIGHT: Yeah. We're projecting that
25 y'all are going to have a profit at the end of June of

1 \$49,000. So if you took the beginning retained earnings
2 and add 49,000 to it.

3 MR. GURVICH: This is after everything is
4 deducted?

5 MR. MCRIGHT: Right.

6 MR. GURVICH: Right, okay.

7 MR. MCRIGHT: If y'all would like, we can move
8 on to the Budget Sheet, which, Jane, where are they
9 appeared in the packet?

10 MS. RYLAND: Right. Just behind where we were
11 looking at.

12 (Ms. Vinson enters hearing.)

13 MR. MCRIGHT: And there's basically three pages
14 to it. There are three things we need to do today as far
15 as proposal y'all will need to make.

16 We're going to need to amend the budget as of
17 June 30th to be within the 5 percent guidelines the
18 legislative auditors require, or Local Budgeting Act,
19 actually, requires it. That's what Column 4 will be on
20 that statement we have here: Amended Year-To-Date Budget
21 of June 30th, 2014.

22 At the same time, the final column over there is
23 proposed budget for next year. So as a separate item,
24 y'all will need to rule on that, as well as pass that as
25 a motion to accept that this year -- I mean, to be for

1 next year.

2 MR. GURVICH: So you want a motion to amend the
3 budget first, I would assume?

4 MR. MCRIGHT: We're going to have to actually --

5 MR. GURVICH: Two motions?

6 MR. MCRIGHT: Yes. The first will be to amend
7 the budget. And then we have a second item: We're going
8 to need to put up a contingency amendment for the budget
9 we just amended, because we have an item for fingerprint
10 machine, that if it's placed into service before
11 June 30th, it will make \$50,000 or so difference in the
12 budget. And that could throw us outside the 5 percent.

13 So by having a contingency amendment -- we will
14 approve this upon the condition that the fingerprint
15 machine is in place and working prior to June 30th. Then
16 we would approve payment of the bill and amend the budget
17 at the same time.

18 MR. GURVICH: Have y'all prepared the amendment,
19 the verbiage on the amendment?

20 MR. MCRIGHT: No. I didn't. I came up with the
21 ideas, but the reason I broke them into three, so that we
22 would have three distinct things that are really
23 fairly -- when we go through these budgets, it will be
24 things that we are looking at. And the only complicated
25 thing, I think, is the fact that we're going to have to

1 amend the budget we just amended under certain
2 circumstances for prior to June 30th.

3 See, if we had another board meeting prior to
4 June 30th, we could amend it then. But since y'all won't
5 have a board meeting until well after the year-end -- the
6 audit would take place before y'all have another board
7 meeting -- we wouldn't be able to amend the budget to be
8 within the 5 percent guidelines established by the Local
9 Budgeting Act.

10 MR. DUPLCHAIN: Why don't we just go ahead and
11 do one at a time.

12 MR. GURVICH: Yes. Well, I would think that's
13 probably what we would do. So let's take it one at a
14 time, then. Give me the sense of what you want to do,
15 and I will try to craft it into a motion.

16 MR. MCRIGHT: Okay. The first thing we're going
17 to do, we're going to look at -- Column 3 is what we
18 project the revenues and expenditures to be as of
19 June 30th, based on the best information we have right
20 now.

21 MR. GURVICH: That's 881,000 --

22 MR. MCRIGHT: -- 157 of Revenues.

23 MR. GURVICH: All right. And your total
24 Revenues is -- I just want to make sure I'm on the same
25 page. This is on Budget Projections -- oh, I'm on

1 '14-15. What page are you on?

2 MR. KENNEDY: Page 1.

3 MR. MCRIGHT: The top should say Louisiana State
4 Board of Private Security Budget Projections --

5 MR. GURVICH: Okay.

6 MR. MCRIGHT: -- '14 and '15.

7 MR. GURVICH: All right. So go ahead.

8 MR. MCRIGHT: The first page is the Revenues.

9 MR. GURVICH: Right.

10 MR. MCRIGHT: Okay. Column 3 is what we expect
11 the actual projected revenues to be. Column 4 is just we
12 kind of rounded off to get round numbers for the budget.
13 So Column 4 will actually be what we're proposing as the
14 budget for 6/30/14 after all of our adjustments. And
15 that will be our amended budget.

16 MR. GURVICH: All right.

17 MR. MCRIGHT: So we're budgeting -- we're saying
18 that our amended budget should be 882,269 (sic) for the
19 year ending 6/30/14.

20 MR. GURVICH: All right. So you want to show --
21 give me that number again. You want to amend the budget?

22 MR. MCRIGHT: I want to amend the budget to show
23 the numbers in Column 4 will be our amended budget for
24 6/30/14, which show Total Revenues of \$882,260 and Total
25 Expenses of 832,988, leaving a gain of roughly \$49,272.

1 MR. GURVICH: All right. I will make a motion
2 to that effect.

3 MR. DUPLECHAIN: Second.

4 MR. GURVICH: Motion by Mr. Gurvich, seconded, I
5 think, by Mr. Duplechain and Mr. Kennedy. Any
6 debate/discussion? All in favor of the motion say aye.

7 ALL BOARD MEMBERS: Aye.

8 MR. GURVICH: Any opposed? The motion passes
9 unanimately. Thank you. Okay. We got that one out of
10 the way.

11 MR. MCRIGHT: That one out of the way. Then the
12 next thing we will need to do is approve to amend this
13 budget under the conditions that the fingerprint machine
14 is in place and working. My understanding is, right now,
15 they are not able to get it to work. And so we're not
16 going to be responsible for it until it's in place and
17 working. But if that happens prior to June 30th, then we
18 are committed to it at that time.

19 MR. GURVICH: Well, in other words, we would
20 make a motion to authorize the staff and accountancy for
21 the board to make that amendment based on the existing
22 conditions at the time; in other words, we won't be
23 there.

24 MR. MCRIGHT: Right.

25 MR. GURVICH: So I think we are authorizing you

1 in advance to make the appropriate changes in the P & L.

2 MR. MCRIGHT: Right. And we have also estimated
3 that's going to be between 53- and \$55,000 if you want to
4 put a dollar amount to it.

5 MR. GURVICH: So that works? I mean, we're
6 going to authorize you all -- I guess we can do that.

7 MR. MCRIGHT: That would be, naturally, if Legal
8 doesn't have any problems with it.

9 MR. GURVICH: It's just a calendar issue that
10 has cropped up because of some, you know, problems with
11 getting this machine on line. So I don't think there is
12 any reason why we can't authorize you guys to take the
13 appropriate action in amending the budget at the time to
14 account for the fact that the machine was placed in
15 operation before the end of the fiscal year.

16 MR. MCRIGHT: That's my understanding, yes, sir.

17 MR. GURVICH: Right. Is there any reason we
18 can't do that?

19 MR. ROGILLIO: I don't see why you couldn't.
20 You're just amending the budget to take care of that
21 problem.

22 MR. MCRIGHT: Either way, yes.

23 MR. GURVICH: So I guess I will make a motion to
24 authorize the staff and the accountants to make the
25 necessary changes, that is, to amend the budget to

1 account for the fact that this machine may be placed in
2 operation prior to the end of June 30th, said
3 amendment not -- said change or amendment not to
4 exceed --

5 MR. MCRIGHT: 55,000.

6 MR. GURVICH: -- \$55,000. Do I hear a second to
7 the motion?

8 MR. DUPLCHAIN: Second.

9 MR. KENNEDY: Second.

10 MR. COTTON: Second.

11 MR. GURVICH: Motion by Mr. Gurvich jointly
12 seconded by several board members. Any
13 debate/discussion?

14 MR. BAER: I have a question.

15 MR. GURVICH: Yes, sir.

16 MR. BAER: Do you know what's wrong with the
17 machine?

18 MR. ROGILLIO: There's some IT problems hooking
19 it up. It's installed, but there's some computer
20 problems.

21 MR. GURVICH: Is it physically here?

22 MR. ROGILLIO: It's here. It's installed in --
23 Kim's going to be -- Kim, Jane, and who else, Cindy are
24 going to be the three that will operate this.

25 MR. GURVICH: We haven't accepted, as it were,

1 the contractual arrangement until it goes on line?

2 MR. MCRIGHT: Until it goes on line, correct,
3 we're not responsible for paying for it.

4 MR. GURVICH: Right. Does everyone understand
5 what we're doing?

6 MS. RYLAND: Actually, it should be next week.

7 MR. GURVICH: Right. This is just taking
8 cognizance of the fact that the damn thing is -- we don't
9 know when it's going to come on line. And if it comes on
10 line after the -- it goes into the next fiscal year if
11 it's after June 30th, so we're just trying to take
12 account of that fact.

13 Any further questions? All in favor of the motion
14 on the floor say aye.

15 ALL BOARD MEMBERS: Aye.

16 MR. GURVICH: Any opposed? The motion passes
17 unanimously. Now the final.

18 MR. MCRIGHT: All right. The final item is the
19 last column on the four pages we have for the budget
20 projections, is a proposed budget for the June 30th,
21 2015, year. Basically, we are keeping it about at where
22 we were the prior year. We are projecting that Revenues
23 will be \$870,690. Truthfully, it's a guess based upon
24 historical numbers. As y'all know, these could change
25 drastically depending on companies moving in or moving

1 out.

2 And, based upon that, we are also projecting we're
3 going to have \$845,000 worth of expenses, that being,
4 again, your payroll and your retirement making up the
5 majority of that. So we figure that, under our
6 projections right now, we are saying you will make about
7 \$25,000 next year.

8 MR. GURVICH: Okay. Staff, board members,
9 everyone on board with the numbers? Any questions?

10 Then I will move to approve the proposed budget for
11 Fiscal Year 6 -- I'm sorry, 7/1/14 to 6/30/15, right?

12 MR. MCRIGHT: Correct.

13 MR. GURVICH: Do I hear a second?

14 MR. DUPLECHAIN: Second.

15 MR. BAER: Second.

16 MR. GURVICH: Motion by Mr. Gurvich, second by
17 Mr. Baer and, I think, Mr. Duplechain over there.
18 Debate? Discussion? All in favor of the motion as
19 stated say aye.

20 ALL BOARD MEMBERS: Aye.

21 MR. GURVICH: Any opposed? The motion passes
22 unanimously.

23 Well, I think that does it. Thank you for being
24 here.

25 MR. MCRIGHT: Thank you for doing it. I just

1 want to remind y'all that the legislative auditors should
2 be coming here sometime late July or early August for the
3 annual audit.

4 MR. GURVICH: Is that a biannual sort of thing?

5 MR. MCRIGHT: No. Unfortunately, we do it every
6 year.

7 MR. GURVICH: Every year. I think my
8 recollection is we have passed with sterling colors every
9 year.

10 MR. MCRIGHT: So far we have had no real
11 problems.

12 MR. GURVICH: This looks to me like a pretty
13 healthy balance sheet, P & L; right?

14 MR. MCRIGHT: Yes, sir. It's in real good shape
15 right now. I think those actions y'all had taken a
16 couple of years ago with the additional fees put y'all in
17 a good solid position, not overly aggressive on it, but
18 it's keeping y'all in the black, so --

19 MR. GURVICH: Sure.

20 MR. MCRIGHT: -- that's what we're looking for.

21 MR. GURVICH: Thank you for being here today.

22 MR. MCRIGHT: Well, thank y'all for having me.

23 MR. GURVICH: Next matter.

24 **NEW BUSINESS, MISCELLANEOUS, APPROVAL OF CONTRACTS**

25 MS. RYLAND: Can we do the contracts?

1 MR. ROGILLIO: We will take the contracts if you
2 don't mind.

3 MR. GURVICH: Sure.

4 MR. ROGILLIO: That's the approval of contracts
5 for Mr. McRight; the court reporter, Ms. Ross. We're
6 down to one contract investigator right now, James
7 Coleman. And Teknarus, which is the IT people that work
8 on our computers here. And Michael Morgan is also -- he
9 also helps with the computers, so.

10 MR. GURVICH: Do you want to take them one at a
11 time?

12 MR. ROGILLIO: Well, I thought we can take them
13 all together if you just want to approve them.

14 MR. GURVICH: We have three or four contracts?

15 MS. RYLAND: Five.

16 MR. GURVICH: Five. Okay. Does anyone have any
17 questions regarding any of the contracts?

18 MS. VINSON: Just standard and maintaining the
19 same?

20 MR. ROGILLIO: It's the same contracts as we
21 have had in the past. Yes, ma'am.

22 MR. GURVICH: Any changes in fees or schedules,
23 anything like that?

24 MR. ROGILLIO: No, sir.

25 MR. GURVICH: All right. Well, let's do it in

1 | globo if you like. I will make a motion. Let me know if
2 | it's the sense of the board to address this individually;
3 | I'm glad to do it that way. But if no one has an opinion
4 | one way or the other, I will move to approve these five
5 | contracts as presented by the board staff. Do I hear a
6 | second?

7 | MR. COTTON: Second.

8 | MR. KENNEDY: Second.

9 | MR. GURVICH: Second by Mr. Kennedy and
10 | Mr. Cotton. Any debate or discussion? Chief, you are on
11 | board? Everybody is happy with -- counsel?

12 | MS. AUCOIN: This is my first time at this.

13 | MR. GURVICH: Well, you can stop this train any
14 | time you want. Tell us if you want to take a few minutes
15 | to read it.

16 | MS. AUCOIN: If they are continuations of what
17 | Mr. Blackburn, I assume, looked at previously, then.

18 | MR. GURVICH: And everything, the terms and
19 | conditions, are the same as they were previously?

20 | MR. ROGILLIO: Yes, sir.

21 | MR. GURVICH. Any debate or discussion? Move
22 | for a vote. All in favor of the motion on the floor say
23 | aye.

24 | ALL BOARD MEMBERS: Aye.

25 | MR. GURVICH: Any opposed? The motion passes

1 | unanimously. We got that out of the way.

2 | **CARL SWAFFORD**

3 | MR. ROGILLIO: Yes, sir. The adjudicatory
4 | hearings, sir.

5 | MR. GURVICH: What hearings do we have, Chief?

6 | MR. ROGILLIO: Well, there were actually four,
7 | and we only have one that's going to go today. There
8 | were two that asked for continuance.

9 | MR. GURVICH: It was a first impression case,
10 | okay, and you just approved it?

11 | MR. ROGILLIO: And I approved them. The first
12 | person on the adjudicatory hearings list is a gentleman
13 | who has an aggravated battery, second degree battery
14 | conviction. So he has kind of given up. He didn't show
15 | up at the last meeting. He was notified to be here, but
16 | he didn't show. And whenever he called, I think, Jane
17 | spoke to him.

18 | MS. RYLAND: He did show up, and the meeting
19 | went so long, he left.

20 | MR. ROGILLIO: That's right. He had to go to a
21 | heart doctor or something. He was here, but he had to go
22 | to a heart --

23 | MR. GURVICH: So he's been noticed about two
24 | meetings?

25 | MR. ROGILLIO: Yes. And he called Jane the

1 other day and said --

2 MS. RYLAND: He just said that he couldn't work
3 anyway and he couldn't get a pardon and he couldn't get
4 an expungement, so it was just kind of a moot issue to
5 him, if we would just drop it, he would just stay denied
6 as a convicted felon.

7 MR. GURVICH. And the board staff took action
8 denying the application based on --

9 MS. RYLAND: He can't work, right. He's denied.

10 MR. GURVICH: Right. Okay. So --

11 MR. BAER: What is his name?

12 MS. RYLAND: The top, Carl Swafford.

13 MR. ROGILLIO: Carl Swafford.

14 MR. GURVICH: Well, all right. I will move to
15 dismiss the case. Any second?

16 MS. VINSON: Second.

17 MR. GURVICH: All in favor?

18 ALL BOARD MEMBERS: Aye.

19 MR. GURVICH: Any opposed? The motion passes
20 unanimously. Next matter.

21 **D & M SECURITY**

22 MR. ROGILLIO: The next matter is D & M
23 Security.

24 MR. GURVICH: Do we have anyone from D & M
25 Security? Yes, ma'am, if you would.

1 Chief, Counsel, if y'all would, get everything set
2 up, swearing in the witness, so forth. Do we have any
3 other witnesses, by the way?

4 MS. AUCOIN: Just Mr. Rogillio for me.

5 MR. GURVICH: Yes, ma'am. If you would, come up
6 here, and this lady is going to swear you in. And if you
7 would, take a seat over there and get that mic. adjusted,
8 and we will begin the hearing.

9 (Willie Ann Maxie-Dillon is administered the oath.)

10 MR. GURVICH: We have Chief Rogillio, who is to
11 testify. Do you want to swear him in.

12 (Mr. Wayne Rogillio is administered the oath.)

13 MR. GURVICH: And, I'm sorry, your name, ma'am?

14 MS. DILLON: Willie Ann Maxie-Dillon.

15 MR. GURVICH: Ms. Dillon?

16 MS. DILLON: Mrs., yes.

17 MR. GURVICH: Mrs. Dillon. Okay. Now, just to
18 get some housekeeping in order, we're going to conduct a
19 hearing sort of like a trial.

20 MS. DILLON: Yes.

21 MR. GURVICH: And Chief Rogillio is going to
22 testify first, at the conclusion of which, you have the
23 right to ask him questions.

24 MS. DILLON: Okay.

25 MR. GURVICH: And then we will hear you out and

1 we will have the right to ask you questions. If at any
2 time there's something going on that you don't
3 understand, just ask me to pause for a moment and we'll
4 try to explain and get the record straight so that
5 everybody knows what's happening.

6 MS. DILLON: Okay.

7 MR. GURVICH: Okay?

8 MS. DILLON: Yes, sir.

9 MR. GURVICH: All right. Chief. Counsel.

10 MS. AUCOIN: Good morning, everybody. Just as
11 an introduction, Ms. Maxie-Dillon has appealed the
12 issuance of a Cease and Desist Order that was issued to
13 her in April of 2013. And it's our position that her
14 appeal of the Cease and Desist Order is untimely, and I
15 will call Mr. Rogillio and ask him some questions.

16 MR. GURVICH: So this is an appeal, as it were,
17 of board staff action?

18 MS. AUCOIN: Yes.

19 EXAMINATION OF MR. ROGILLIO BY MS. AUCOIN:

20 Q. Mr. Rogillio, could you please identify yourself for
21 the record.

22 A. Sure. Wayne Rogillio, executive secretary for the
23 Board of Private Security.

24 Q. And are you familiar with a Ms. Willie Maxie-Dillon?

25 A. Yes, ma'am.

1 Q. And how are you familiar with her?

2 A. My office received a complaint. They were operating
3 security at a wharf in the New Orleans area. And I spoke
4 to Ms. Maxie on the phone, and she pleaded with me about
5 the Cease and Desist, that she had to work because her
6 husband had passed away and that was her only income.
7 But their company was operating under Cease and Desist.

8 Q. When, to your recollection, when was Ms. Dillon
9 issued a Cease and Desist Order?

10 MS. AUCOIN: I would like to place some
11 documents in front of Mr. Rogillio.

12 BY MS. AUCOIN:

13 Q. Would you identify these documents for me, please.

14 A. Cease and Desist Order was dated April 30th, 2013.

15 MR. GURVICH: Why don't we make these documents
16 available to Ms. Maxie-Dillon.

17 MS. DILLON: I have them.

18 MR. GURVICH: Do you have them?

19 MS. DILLON: Yes.

20 MR. GURVICH: We've got to mark them.

21 MS. AUCOIN: I guess Board Exhibit 1 will be the
22 Cease and Desist Letter.

23 (Exhibit No. B-1 marked.)

24 MR. GURVICH: Okay. You have a couple of
25 documents you wanted entered?

1 BY MS. AUCOIN:

2 Q. This, I assume, was all attached to each other. If
3 you could, just identify all of this document.

4 A. Cease and Desist Order is the first document. That,
5 again, was April 30, 2013.

6 The second document is a letter dated March 19th to
7 D & M Security advising them that their license renewal
8 was due March 1st. It was not received until March 14th.
9 And it cites the statute that a license shall expire
10 annually on the date of issuance, unless renewed by
11 payment of the required renewal fee at least prior to 30
12 days of expiration. And there was a \$500 fine issued in
13 this letter for that operating (inaudible).

14 And this third letter is to notify D & M Security
15 that the Board of Private Security has issued a Cease and
16 Desist prohibiting you from continuing to engage in the
17 contract security business. And this was to Ms. Willie
18 Maxie. That's the three documents.

19 MR. GURVICH: Okay. And, Ms. Maxie Dillon, you
20 have those documents?

21 Ms. DILLON: Yes.

22 MR. GURVICH: And you received those documents?

23 MS. DILLON: Yes.

24 MR. GURVICH: Obviously, prior to the hearing?

25 MS. DILLON: Yes.

1 BY MS. AUCOIN:

2 Q. And, to your knowledge, Ms. Maxie-Dillon received
3 the Cease and Desist Order, right?

4 MS. AUCOIN: I place another document in front
5 of Mr. Rogillio.

6 BY MS. AUCOIN:

7 Q. Would you identify this, please.

8 A. Yes, ma'am. This bears the signature. It's a
9 registered mail document that Ms. Maxie signed for. The
10 date of delivery was 5/7/2013.

11 Q. And this document indicates this was for the Cease
12 and Desist Order, receipt of the Cease and Desist Order?

13 A. Well, there's a notation at the top that it was.
14 Yes.

15 MS. AUCOIN: I'd like to offer as Board
16 Exhibit 2 a copy of the certified mail receipt --
17 Would you like to see this?

18 MS. DILLON: No.

19 MS. AUCOIN: -- as Exhibit 2.

20 MR. GURVICH: Okay. Well, introduced without
21 objection.

22 (Exhibit No. 2 marked.)

23 BY MS. DILLON:

24 Q. Mr. Rogillio, did Ms. Dillon forward any
25 correspondence to the board requesting any type of appeal

1 of this Cease and Desist Order?

2 A. Yes, ma'am, she did. This is dated March 10th,
3 2014. And she says:

4 "To Whom It May Concern: I am requesting a
5 hearing on the Cease and Desist Order that was
6 issued on April 30, 2013. Due to personal
7 family tragedy involving my late husband,
8 Mr. Lloyd James Dillon. Prior to...receiving a
9 timely notification and responding in a timely
10 manner. While I apologize for any
11 inconvenience, these life changing events were
12 beyond my control. With my request, I'm
13 attaching documentation as proof."

14 Q. What date was this request received by the Board of
15 Private Security Examiners?

16 A. March 10th, 2014.

17 MS. AUCOIN: I would like to introduce, offer
18 and introduce as Board's Exhibit 3, the March 10, 2014,
19 letter from D & M Security signed by Mrs. Willie Ann
20 Maxie-Dillon.

21 MR. GURVICH: Okay. Do you have that letter?

22 MS. DILLON: Yes.

23 MR. GURVICH: You can object to the introduction
24 of this if you think there is some problem with it.

25 MS. DILLON: Everything is going great.

1 MR. GURVICH: Okay.

2 (Exhibit No. B-3 marked.)

3 BY MS. AUCOIN:

4 Q. Mr. Rogillio, was -- this fine, this penalty, that
5 was mentioned in the original Cease and Desist Letter,
6 has Ms. Dillon paid this penalty?

7 A. No, ma'am.

8 Q. And was her request appealing the Cease and Desist
9 Order issuance timely?

10 A. No, ma'am.

11 MS. AUCOIN: I don't have any other questions.

12 MR. GURVICH: Okay. So, Ms. Maxie-Dillon.

13 MS. DILLON: Yes.

14 MR. GURVICH: Do you wish to ask Chief Rogillio
15 any questions?

16 MS. DILLON: No.

17 MR. GURVICH: Okay. Do you have any further
18 with the witness?

19 MS. AUCOIN: No, sir.

20 MR. GURVICH: Then I guess we will turn the mic.
21 over to you, ma'am. Now you can state your case, as it
22 were.

23 MS. DILLON: Good morning, everyone. I just
24 have to say that, as a security owner -- business owner
25 for eight years, I'm appealing today to you all as far as

1 | what has transpired. And this is -- it has been a very
2 | difficult two years for me. And as a result of it, it
3 | was a total shutdown of my business, which now I am
4 | seeking to try to renew and restore where I once were as
5 | far as the security service business.

6 | If at all able to do this, I would appreciate that
7 | this would happen on whenever it's available for you all
8 | to say what this is: -- you know, this is fine, this is
9 | okay. I think I have went through my grieving process.
10 | And so, like I say, today is just a renewal. I'm trying
11 | to renew and restore.

12 | MR. GURVICH: Anything further, ma'am?

13 | MS. DILLON: No, ma'am.

14 | MR. GURVICH: You can call witnesses if you
15 | like.

16 | MS. DILLON: I have no witnesses.

17 | MR. GURVICH: All right. Well, I think that
18 | basically is a presentation of the evidence. I have a
19 | couple of questions for Chief Rogillio.

20 | EXAMINATION OF MR. ROGILLIO BY MR. GURVICH:

21 | Q. D & M Security Services, this company has been
22 | around for some period of time?

23 | A. Yes, sir.

24 | Q. Do we know offhand when the company began
25 | operations? I guess we should know absolutely since we

1 have all the records.

2 A. They were approved in October 25th, 2006.

3 Q. All right. And so they --

4 MR. GURVICH: Go ahead.

5 MS. VINSON: Who was their qualifying agent
6 then?

7 MS. DILLON: I am.

8 MR. GURVICH: Then or now?

9 MS. VINSON: Or now or who was their most recent
10 qualifying agent?

11 MR. ROGILLIO: Ms. Maxie was the qualifying
12 agent.

13 BY MR. GURVICH:

14 Q. And, so, the company, the license expired?

15 A. Yes, sir.

16 Q. And when did the license expire?

17 A. March 1st is when it was --

18 MS. VINSON: Of '13?

19 MR. ROGILLIO: -- of '13 was when it was due.

20 BY MR. GURVICH:

21 Q. March 13th, it was due and it was not renewed?

22 A. Right.

23 MS. VINSON: March 1 of '13.

24 MR. ROGILLIO: Right.

25 BY MR. GURVICH:

1 Q. And, I don't know. I assume the board sends out
2 letters warning folks?

3 A. Yes, sir.

4 MS. DILLON: Yes.

5 EXAMINATION OF MS. DILLON BY MR. GURVICH:

6 Q. Did a letter in fact go out and you received it?

7 A. Yes, yes.

8 Q. Okay. I'm sorry. What is the date of death of your
9 husband?

10 A. October 30th, 2013.

11 Q. Had he been in bad health for some time before his
12 passing?

13 A. Yes. A year before. It's -- I'm sorry -- two years
14 before his passing.

15 Q. Okay. Was the company actually operating in 2013;
16 you had security officers assigned to posts and so forth?

17 A. Yes. Yes. Just one site.

18 Q. And was your husband -- what office did he hold in
19 the corporation?

20 A. He was one of the -- he is the owner -- was also
21 owner of the company also.

22 Q. By the way, is this a corporation, or is it a
23 proprietorship, would you know?

24 A. Proprietor.

25 Q. In other words, y'all never incorporated?

1 A. No.

2 MR. ROGILLIO: It's a proprietorship.

3 MR. GURVICH: Okay. Then it can't really be
4 D & M Security Services, LLC.

5 MR. COTTON: No.

6 BY MR. GURVICH:

7 Q. All right. So your husband passed away in October
8 of '13; he had been ill for some time previously?

9 A. Yes.

10 Q. And I assume that affected operations?

11 A. Correct.

12 Q. And what position did you occupy with the company?

13 A. Office manager. Just managing the company, making
14 sure that invoices were, you know, put in, and daily
15 activities of the business.

16 MR. GURVICH: All right. So we issued through
17 the board staff a Cease and Desist Order, obviously,
18 because the license had been allowed to expire on what
19 date?

20 MS. RYLAND: I'm sorry. Your question?

21 MR. GURVICH: The license, we issued the Cease
22 and Desist when?

23 MS. RYLAND: April 30th, 2013.

24 MR. GURVICH: Okay. So, from a legal procedural
25 standpoint, was this appeal filed timely; I mean, do we

1 have the ability to review it at this juncture?

2 MS. AUCOIN: The letter that was issued to
3 Ms. Maxie-Dillon advising her of appeal rights states 30
4 days, 30 days to appeal to the board. The administrative
5 rule states that the request must be sent to the board in
6 writing before the board's next meeting. This letter was
7 sent, I think, approximately almost ten months to a year
8 after the Cease and Desist Order was issued. She signed
9 for it in May, and she sent her letter in March of the
10 next year. Under either time frame, that's not timely.

11 MR. GURVICH: Right.

12 MS. VINSON: But she could reapply and just go
13 through the process again, yes or no?

14 MS. AUCOIN: To be licensed again?

15 MS. VINSON: Yes.

16 MS. AUCOIN: I presume so, but she hasn't, I
17 think, paid her penalties and things like that, so that's
18 something y'all would have to --

19 MR. GURVICH: What are the penalties and the fee
20 that would be assessed?

21 MR. ROGILLIO: Well, the fine is \$500. And, of
22 course, there would be a fee for the license, which is
23 \$410.

24 MS. DILLON: The \$410 was paid. It's just that
25 I was -- it was late. So this is why I was given the

1 | \$500. The 410 was paid.

2 | MR. GURVICH: So she did pay the fine -- I'm
3 | sorry, the license fee?

4 | MS. DILLON: Yes.

5 | MR. GURVICH: When did she pay the license fee?

6 | MR. ROGILLIO: March 14th, 2013.

7 | MR. GURVICH: So the Cease and Desist was issued
8 | on 4/30/13, but she had attempt -- well, she had paid the
9 | license on 3/14/13, about 40 some-odd days previously?

10 | MS. DILLON: Correct.

11 | MS. VINSON: But she never paid the fine.

12 | MS. DILLON: The fine, exactly.

13 | MS. RYLAND: It was actually due March 1st.

14 | MS. DILLON: Correct.

15 | MR. GURVICH: Well, I'm just looking for
16 | procedural avenues at this point. I don't know what
17 | effect, Counsel, does the fact that she paid the license?
18 | Did we cash the check?

19 | MS. DILLON: Yes.

20 | MR. ROGILLIO: (Indicates.)

21 | MR. GURVICH: So we cashed the check, but we
22 | haven't granted the license.

23 | MS. RYLAND: Because there was an outstanding
24 | fine for the Cease and Desist.

25 | MR. GURVICH: I got that. I certainly think

1 that there is no issue here that the license was allowed
2 to expire. It expired.

3 MS. DILLON: Right, correct.

4 MR. GURVICH: It's not an issue here before the
5 board today?

6 MS. DILLON: Right.

7 MR. GURVICH: Well, I certainly don't want to do
8 all the talking here. Does anybody have any questions?

9 MR. DUPLCHAIN: Can I ask a question?

10 MR. GURVICH: Yes.

11 EXAMINATION OF MS. DILLON BY MR. DUPLCHAIN:

12 Q. How many employees do you have now?

13 A. None. In other words, the contract was -- in other
14 words, I lost the contract. And so it went to a new
15 company. And I'm satisfied with that, because the
16 employees were still able to maintain a job. And that
17 was what I was mostly concerned about.

18 Q. Were these employees registered with the board?

19 A. Yes. They're all registered now.

20 Q. But then, when they were working for you?

21 A. No. In other words, in between that time, when it
22 was time for us to register again, like I said, they were
23 registered. Yes.

24 Q. That's all?

25 A. Yes.

1 Q. Your guards that worked for you at that time were
2 registered guards with the board?

3 A. No.

4 Q. Why wouldn't you register the guards if you were
5 working for the company?

6 A. Because of -- in other words, we -- in other words,
7 it was a thing of, when we first started with this
8 contract was in 2006, we all were registered. Everyone
9 was registered. And in between that time, it was
10 everyone was supposed to have been responsible for to be
11 reregistered, to get --

12 Q. Who was supposed to be responsible?

13 A. In other words, I'm the responsible party to make
14 sure that they were, and it was not. We were not.

15 Q. So you registered them, but when they came time for
16 renewal, they were never renewed?

17 A. Correct.

18 COURT REPORTER: Excuse me. When you asked her
19 how many employees you had, did you say nine or none?

20 MS. DILLON: Five.

21 MR. GURVICH: At the time?

22 MS. DILLON: at the time.

23 MR. GURVICH: Now, today, as we speak, you have
24 none?

25 MS. DILLON: None.

1 MR. GURVICH: Well, there's another technical
2 question: D & M Security Services, LLC, despite the LLC,
3 is a sole proprietorship, correct?

4 MR. ROGILLIO: Yes, sir. That's what it said on
5 the application.

6 MR. GURVICH: Right.

7 EXAMINATION OF MS. DILLON BY MR. GURVICH (Cont'd):

8 Q. The man who owned it, and that was your husband --

9 A. Yes.

10 Q. -- is deceased, so we are not dealing with a
11 corporation here.

12 MS. VINSON: But she was the qualifying agent.

13 MR. GURVICH: She was the qualifying agent, but
14 in terms of a corporate -- well, there was no corporate
15 existence. In terms of the company existence,
16 technically an estate.

17 BY MR. GURVICH:

18 Q. D & M Security Services was an estate; did you open
19 an estate proceeding for your husband?

20 A. Correct.

21 Q. There is a -- did he have a will?

22 A. No.

23 Q. And did you, say, retain an attorney to handle his
24 affairs?

25 A. Correct.

1 Q. An estate was opened? I mean, well, a succession.

2 A. A succession, yes.

3 Q. So there is a succession of your husband?

4 A. Uh-huh.

5 MR. GURVICH: And so the owner of the company is
6 not here. The owner of the company is in estate or
7 succession proceedings.

8 BY MR. GURVICH:

9 Q. Did you own the company of your own right or --

10 A. I did.

11 Q. Well, I mean, it was in your -- your husband owned
12 it?

13 A. Uh-huh. But it was in my name.

14 Q. Okay. It was in your name; in other words, you were
15 listed as the owner?

16 A. Uh-huh, yes, yes.

17 Q. Okay. Do the documents bear that out now? I'm
18 heading in a different direction.

19 A. Yes.

20 MR. GURVICH: Well, limited liability is going
21 to be a limited liability corporation, so we've got to
22 clarify this. It's kind of fundamental who is supposed
23 to be here in this proceeding.

24 MR. ROGILLIO: On the Initial Report and the
25 Articles For Organization, Ms. Maxie is the only one

1 listed.

2 MR. GURVICH: But what kind of corporate -- what
3 kind of company entity are we dealing with; is this a
4 corporation, a limited liability corporation?

5 MS. RYLAND: LLC.

6 MR. ROGILLIO: It is.

7 MR. GURVICH: It is. Okay. So there is a
8 corporate -- there is an existing D & M Security
9 Services, LLC, that's established under the state law.
10 There is a corporation, then.

11 BY MR. GURVICH:

12 Q. And are you the owner of the corporation?

13 A. Yes.

14 MR. GURVICH: Okay. And the documents bear all
15 this out?

16 MR. ROGILLIO: Yes, sir.

17 MR. GURVICH: So now I take back everything I
18 said over the last two minutes. Okay. So we do have a
19 corporate existence, and we do have the right person here
20 to be dealing with this.

21 MS. DILLON: Correct.

22 MR. GURVICH: All right. Mr. Duplechain.

23 MR. DUPLCHAIN: Could I ask questions?

24 MR. GURVICH: Sure.

25 EXAMINATION OF MS. DILLON BY MR. DUPLCHAIN (Cont'd):

1 Q. I'm trying to understand. The company was founded
2 in 2006?

3 A. Yes.

4 Q. Okay. So you hired -- let's say you hired five, six
5 guards then --

6 A. Right.

7 Q. -- in 2006?

8 A. Yes.

9 Q. After that 2006 initial hiring, did you hire other
10 guards after that?

11 A. No.

12 Q. So those guys stayed with you from '06 to '13?

13 A. Correct.

14 Q. They never were renewed?

15 A. No.

16 Q. In other words, the applications were sent to the
17 state?

18 A. Correct.

19 Q. They got the licenses?

20 A. Correct.

21 Q. But they never were renewed?

22 A. No.

23 MR. GURVICH: The licenses of the guards were
24 not renewed after --

25 MS. DILLON: Correct.

1 MR. DUPLCHAIN: After 2006.

2 MR. GURVICH: Well, here's the issue with that.
3 We are dealing with the allegations made in this Charge
4 Letter dated, and which I will come up with in a moment,
5 May 1st, 2014. All right. And in this Charge Letter,
6 the allegation made therein is that the D & M Security
7 Services, LLC --

8 MS. AUCOIN: If I may, this is, I think, more of
9 a unique situation than most, because Ms. -- it's my
10 understanding that Ms. Maxie-Dillon requested this
11 hearing. If I may ask her the question.

12 MS. DILLON: Correct.

13 MS. AUCOIN: What occurred that made you want
14 this hearing, request this hearing; what brought this to
15 this point?

16 MS. DILLON: Because of being a security owner
17 for eight years, and I just wanted to restore, you know,
18 the name of the company as far as, you know, you know,
19 D & M Security Services, you know.

20 BY MR. DUPLCHAIN:

21 Q. What I don't understand, ma'am, and I know you went
22 through a lot last year.

23 A. Yes.

24 Q. I understand that completely. But you are an owner
25 of the business. You knew enough then to license your

1 guards.

2 A. Correct.

3 Q. Once these guards' licenses were expired two years
4 later, you never renewed them.

5 A. Correct.

6 Q. You were late on your license to renew.

7 A. Correct.

8 Q. I need you to tell me why I should vote to even
9 allow you to have a license, because you operated for
10 seven years illegally. You had a legal license to
11 operate, but you were knowingly working security guards
12 that weren't licensed.

13 A. Correct. But now that I -- you know, in other
14 words, now I know the legality of everything now. This
15 is what I'm saying: I know now. You know, maybe I
16 didn't know somewhat, you know, and maybe I -- and it was
17 okay simply because I was still being licensed, and so I
18 thought it was okay to continue my contract with Keystone
19 Shipping. They were okay with it. And so this is why
20 this occurred. Yes, I was --

21 Q. Okay. What did you do with the letters that were
22 sent to you in reference to the renewal of your guards?

23 A. I haven't received no letters.

24 Q. You had to have.

25 A. No.

1 Q. You had to have received -- we all do. You usually
2 get a letter, I think it's 30 or 60 --

3 MS. RYLAND: Sixty.

4 BY MR. DUPLECHAIN:

5 Q. -- 60 days before to notify you before this guard,
6 these guards are up for renewal.

7 A. Okay. I sent that in. That's when we would get the
8 little blue piece of paper. No?

9 Q. When you hire a guard, you fill out an application
10 on a blue form. In the back, you get a temporary
11 license.

12 A. Correct.

13 Q. Once you send the information to the board about the
14 guards going to their schools, their classes, once those
15 classes are approved, then you get cards. Each guard
16 gets a permanent card.

17 A. Correct.

18 Q. That card is good for two years. At the end of two
19 years, 60 days prior to their --

20 A. Correct.

21 Q. -- renewal date, you get a letter. And sometimes I
22 get only one or two guards, sometimes it's three or four
23 guards that are up for renewal, and they give you the
24 name and social security number of each guard.

25 A. Correct.

1 Q. And you can't possibly be the only guard company in
2 Louisiana that doesn't --

3 A. Yes. I received -- yes, I did receive that, yes.

4 Q. And you never saw about --

5 A. No, sir.

6 MR. DUPLECHAIN: I'd like to make a motion.

7 MR. GURVICH: I'm sorry?

8 MR. DUPLECHAIN: I don't think she should be
9 allowed -- I'd like to make a motion that she is not
10 allowed to have a license.

11 MR. GURVICH: Well, she doesn't have a license.

12 MR. DUPLECHAIN: Well, she paid the license
13 renewal fee.

14 MS. VINSON: But she paid that in March of '13,
15 which, if she would have been regranted a license, had
16 she paid the fine, it would have already expired by this
17 date.

18 MR. DUPLECHAIN: Yes. That's true. March of
19 this year, she would have expired.

20 MS. VINSON: She would have had to renew again.

21 MR. GURVICH: Well, the motion is on the floor.
22 Did you want to withdraw the motion?

23 MR. DUPLECHAIN: I will withdraw the motion.
24 I'm trying to figure out how to word it. We have done it
25 in the past where.

1 MS. VINSON: Can I make a motion?

2 MR. GURVICH: Certainly. The floor is open.

3 MS. VINSON: Maybe we can see how it goes?

4 MR. DUPLECHAIN: Okay.

5 MS. VINSON: I'd like to make a motion that we
6 allow Ms. Dillon to reapply under standard protocol for
7 applying for a security business license under
8 stipulation that she pays the fine that is outstanding,
9 along with any application or processing fees.

10 MR. GURVICH: Before I second the motion, which
11 I think is a good motion, what would we do with the \$410
12 application fee from last year? It was the license was
13 never granted.

14 MS. VINSON: I think it's a loss. You lose it
15 when you don't get licensed anyway.

16 MR. ROGILLIO: To reiterate what you said, it
17 would have already expired, so.

18 MR. GURVICH: But it was never granted.

19 MR. ROGILLIO: She would have to start over.

20 MR. GURVICH: But she paid for a license that
21 was never granted.

22 MS. VINSON: And that happens. Sometimes, when
23 companies apply for a license and they pay the fee, they
24 might not be granted the license. They don't get their
25 money back.

1 MR. ROGILLIO: The statute indicates that funds
2 and fees are not refundable.

3 MR. DUPLCHAIN: My concern is that, if a person
4 runs a business for that many years and knowingly is
5 abusing the system, what makes us feel like she will do
6 better the next time?

7 MR. GURVICH: Well, that gets to the -- we're at
8 the point where we need a second to Ms. Vinson's motion.

9 MS. DILLON: Excuse me. You say "abusing."
10 But that's not the way I look at it.

11 MR. GURVICH: Hold on a second, ma'am. I've got
12 to do some housekeeping. I will second the motion. I
13 will say in a side comment, I probably would have given
14 the fee back. But I'm going to second the motion,
15 because I think, over all, it's a good motion.

16 So now we have a motion on the floor.
17 Mr. Duplechain, you were making a comment.

18 MR. DUPLCHAIN: In the past -- what I mean by
19 the term "abused" is that you knew enough that they had
20 to be licensed.

21 MS. DILLON: Correct.

22 MR. DUPLCHAIN: And when you received the
23 renewal notice from the board, you knew enough,
24 knowingly, just threw it away, not worrying about letting
25 these guards work on these posts with no license.

1 MS. DILLON: Correct.

2 MR. DUPLCHAIN: That's what I mean by "abused."

3 MS. DILLON: Okay.

4 MS. VINSON: And, Mr. Duplechain, I understand
5 that too. I guess my point for my motion is that that
6 was never investigated and that was never charged. Even
7 though it really came up in conversation, it's kind of
8 not part of the appeal where she's never been charged
9 with any of those instances. So I'm kind of -- I want
10 you understand what I am looking at. I'm looking at what
11 we have.

12 MR. DUPLCHAIN: I think that, when we are up
13 here and we ask questions and we get answers, that
14 becomes part of the case.

15 MS. VINSON: Would you be okay with an amendment
16 that, when she reapplies, that we do an audit within six
17 months?

18 MR. DUPLCHAIN: I'd say, for sure, that.

19 MR. GURVICH: Okay. So we have an amendment
20 offered. I would offer a further amendment that, for
21 housekeeping purposes, we uphold the staff's Cease and
22 Desist Order. So we have two amendments on the floor,
23 which -- if you're okay with that?

24 MS. VINSON: Uh-huh.

25 MR. GURVICH: And I will second them both.

1 Well, I can't second my own amendment.

2 MR. DUPLCHAIN: Second.

3 MR. KENNEDY: Second.

4 MR. COTTON: Second.

5 MR. GURVICH: Okay. We have the motion as
6 amended by Mr. Gurvich, as seconded by Ms. Vinson, and we
7 have Mr. Gurvich's motion as seconded -- amendment to the
8 motion seconded by Mr. Duplechain and Mr. Kennedy. We've
9 got to get all that straight.

10 MS. AUCOIN: If I may, we make the request that
11 the appeal be dismissed, since y'all are upholding the
12 Cease and Desist, and dismiss the appeal as being
13 untimely, which is the actual matter before this board
14 too.

15 MS. VINSON: Okay. Do we need to make a motion
16 for that too?

17 MR. GURVICH: Well, okay. Here's the thing: My
18 amendment was to uphold the Cease and Desist, so --

19 MR. DUPLCHAIN: I'll make an amendment that
20 we --

21 MR. GURVICH: Well, wait, wait. I'm going to
22 try and get this -- we're going to get what you want
23 done.

24 I will make an amendment to withdraw my previous
25 amendment to uphold the board staff's Cease and Desist

1 Order and dismiss the appeal for lack of timely filing.
2 Do I hear a second?

3 MR. KENNEDY: Second.

4 MR. DUPLECHAIN: Second.

5 MR. GURVICH: I think Mr. Duplechain may want to
6 second my amendment. Okay. So we're getting rid of the
7 -- Anne, this a bad day.

8 COURT REPORTER: Yeah.

9 MR. GURVICH: The amendment that I made to
10 withdraw the Cease and Desist Order, I think, is about to
11 be overturned, and we are substituting this new amendment
12 that the appeal be dismissed for lack of timely filing.

13 All right. All in favor of the motion as amended as
14 amended as amended say aye.

15 ALL BOARD MEMBERS: Aye.

16 MR. GURVICH: Any opposed? The motion passes
17 unanimously.

18 Okay, ma'am. Do you understand the sense of what we
19 have done?

20 MS. DILLON: No.

21 MR. GURVICH: All right. I'm going to let
22 Ms. Vinson explain.

23 MS. VINSON: Okay. You can reapply to reopen
24 D & M Security Services. You will pay the standard
25 licensing fees --

1 MS. DILLON: Okay.

2 MS. VINSON: -- and application fees.

3 MS. DILLON: Okay.

4 MS. VINSON: With that, you will have to pay the
5 \$500 fine.

6 MS. DILLON: Correct.

7 MS. VINSON: So it's a total of \$910 moving
8 forward.

9 MS. RYLAND: You will have some fingerprints.

10 MS. VINSON: Yes. Some fingerprint fees. But
11 the license and fine will be 910, plus any other
12 fingerprint fees. And then, within six months, there
13 will be an audit.

14 MS. DILLON: Okay.

15 MR. GURVICH: All right. Thank you for being
16 here today. Good luck to you.

17 MS. DILLON: Thank you so much.

18 MR. GURVICH: Sorry for your loss.

19 MS. DILLON: Thank you.

20 MR. GURVICH: Next matter.

21 MR. ROGILLIO: Okay, sir. That's all for the
22 adjudicatories. Legal Update/Legislation.

23 **OLD BUSINESS, STATUS REPORTS, OFFICE STATUS REPORTS**

24 MR. GURVICH: Oh. We didn't actually formally
25 go through Office Status Reports, the security officers

1 and everything.

2 MR. ROGILLIO: No.

3 MR. GURVICH: Any questions on that? I think's
4 it's all pretty much where we typically are. If anyone
5 has any questions for the board staff or counsel, let me
6 know; otherwise, we'll keep this train moving.

7 MR. ROGILLIO: Do you want to take the Financial
8 Report also while you?

9 MR. GURVICH: Well, we reviewed the financial to
10 that, I guess. If there are any questions on that, the
11 man to answer them is no longer here. But, certainly,
12 the floor is open.

13 MR. BAER: I've got a question, I guess.

14 MR. GURVICH: Mr. Baer.

15 MR. BAER: On budget projections, they have an
16 item in there that says refund fees. Is that -- I
17 thought fees were not refundable. Is that something
18 different or?

19 MR. ROGILLIO: Most of that is overpayment. If
20 somebody sends in \$500 --

21 MR. BAER: Got you.

22 MR. ROGILLIO: -- for a \$410 renewal, we can
23 refund that.

24 MR. BAER: A normal application fee or what have
25 you is not refundable?

1 MR. ROGILLIO: No. The fees that are sent, it's
2 not refunded. It's the overpayment that's refunded. We
3 were told by our attorney we couldn't keep that.

4 MR. GURVICH: Any further questions? Okay.
5 Chief, your pleasure. Where are we now, on Legal
6 Update/Legislation sort of thing?

7 MR. ROGILLIO: Legal Update.

8 **LEGAL UPDATE/LEGISLATION**

9 MS. AUCOIN: Hi again. There are three matters
10 that are pending at the legislature that would affect the
11 Board of Private Security Examiners. One, obviously, is
12 House Bill 555 which was the bill that was brought by the
13 board. Representative Tim Burns from Slidell was the
14 author. It has made its way through the House and past
15 the Senate and has been sent back to the House, because
16 there have been a few technical amendments and things of
17 that nature, so.

18 MR. GURVICH: This was our bill?

19 MS. AUCOIN: This was our bill, yes.

20 MR. GURVICH: And so there were some technical
21 amendments made in the House or the Senate?

22 MS. AUCOIN: On both sides. We're talking about
23 things like commas and "the" instead of "a," nothing of
24 substance.

25 MR. GURVICH: Nothing of substance.

1 MS. AUCOIN: No, sir. It should be, I presume,
2 passed again in front of the House with the amendments.

3 MS. VINSON: And that was the training bill?

4 MS. AUCOIN: Yes, ma'am. The other matter that
5 we had probably previously discussed by the board was
6 Senate Concurrent Resolution 40 which was brought by
7 Senator "Bodi" White. That one, I believe, was
8 voluntarily deferred by Senator White at the last hearing
9 on April 15th, I believe.

10 That was where he was proposing a rule change to
11 reduce the insurance for care, custody, and control from
12 500,000 to 100,000. I don't believe that that one will
13 pop back up before the end of this session.

14 MR. GURVICH: I would agree. That concurrent
15 resolution was not well-received by the committee.

16 MS. AUCOIN: No. And the third bill was one
17 that was not previously discussed before this board, I
18 believe. Ms. Vinson brought it to our attention. We
19 appreciate that. It's House Bill 1273. This is a bill
20 that, if passed, would allow for the issuance of
21 provisional licenses to ex-offenders. It would have
22 affected this board, because it would have basically done
23 away with our ten-year cleansing period for a felon.

24 The minimum, I think, requirement we could have
25 imposed was two years post completion of sentence, would

1 | be the only thing that would have kept us from issuing a
2 | provisional license to an ex-offender. So we have --

3 | MR. GURVICH: Where is that bill?

4 | MS. AUCOIN: It has been passed.

5 | MS. VINSON: It was passed by the House.

6 | MS. AUCOIN: It was passed by the Senate as well
7 | as the House, but we had an amendment proposed that is
8 | excluding this board and all boards' offices and agencies
9 | under the Department of Public Safety, Public Safety
10 | Services from having to comply with this bill if it's
11 | actually passed into law. So it will not affect us.

12 | MR. GURVICH: So our ten-year cleansing
13 | requirement would still remain?

14 | MS. AUCOIN: Would stay, yes.

15 | MR. GURVICH: Unless somebody at some future
16 | point amends that again to delete the exceptions?

17 | MS. AUCOIN: Correct. So it was either going to
18 | not pass or it will pass with us being excluded from it.

19 | MR. GURVICH: So it's passed both houses?

20 | MS. AUCOIN: Yes. It just passed the Senate
21 | floor, I believe, yesterday.

22 | MR. GURVICH: I don't suppose anyone knows, is
23 | the Governor likely to sign this bill?

24 | MS. AUCOIN: I don't know the answer to that
25 | question.

1 MS. VINSON: From what I understand, it's
2 probably going to pass, so we definitely want ourselves
3 exempt from it. And what it does, from, like, a business
4 owner's standpoint, I know a lot of people probably tell
5 convicted felons, well, hey, there is no point in us
6 hiring you, you are not going to be processed or approved
7 or licensed. So it gives some companies a legal out.
8 But it's going to exclude that window for private
9 companies as well, where you're going to have to also
10 start hiring people that have convictions. Sorry. I
11 didn't mean to --

12 MR. GURVICH: The "X" says all offices, boards,
13 or commissions under the supervision of the Deputy
14 Secretary of the Department of Public Safety and
15 Corrections.

16 MS. VINSON: That's what we added.

17 MS. AUCOIN: Yes.

18 MR. GURVICH: Are we under the supervision of
19 the Deputy Secretary of the Department of Public Safety
20 and Corrections, Board of Superintendents, State Board of
21 Corrections?

22 MS. AUCOIN: It's my understanding the staff
23 attorneys for the, I think, Senate committee this was on
24 came up with the language, and there are a couple of
25 attorneys there, because this affects, not just y'all,

1 but, like, the fire marshal's office and things like
2 that. So they crafted this language to include
3 everything under the umbrella of public safety services,
4 because I think, and I don't completely understand it,
5 but you've got the deputy secretary, the undersecretary,
6 the superintendent of policemen, sometimes they are one
7 and the same how they flip the titles, but this is to
8 cover everybody.

9 MR. GURVICH: I mean --

10 MS. AUCOIN: You are, yes.

11 MS. VINSON: Because there was a long list of
12 exempt.

13 MS. AUCOIN: Yes. We are "T" or something like
14 that, under the alphabet.

15 MR. GURVICH: I think it covers us, but
16 depending on the organizational structure of the
17 Department of Public Safety and Corrections, somebody
18 somewhere could that make the argument that it doesn't.

19 MS. AUCOIN: That's why it's -- and I don't have
20 this in front of me. That's why they worded it the way
21 they did, to take into account possible reorganizations.

22 MR. GURVICH: Okay. Well, I mean, there's
23 nothing for us to do on it. As you say, the amendments
24 passed?

25 MS. AUCOIN: Yes. The amendments passed on the

1 Senate floor. I believe it was yesterday or the day
2 before. So it's going to go back up to the House now.

3 MR. GURVICH: Do we have folks that would notify
4 us if something crops up out of the blue that affects the
5 board; do we have folks there?

6 MS. AUCOIN: We have been monitoring the
7 legislation for the board, and we work in conjunction
8 with -- we have a representative who is a state police
9 trooper who helps coordinate all the legislation, so we
10 work with them.

11 MR. GURVICH: Somebody would tell us if there
12 was a lightning bolt out of the blue?

13 MS. AUCOIN: Yes, sir.

14 MS. RYLAND: And Vinson Guard Services.

15 MS. AUCOIN: Yes.

16 MR. GURVICH: All right. Well, next matter,
17 unless there are any questions, of course, for our
18 attorney or board staff. All right. Next matter.

19 MR. ROGILLIO: Okay. Actually, we've taken care
20 of everything.

21 MS. VINSON: No questions from the public?

22 MR. ROGILLIO: That's it.

23 MR. GURVICH: That's it. Chief.

24 **DETERMINATION OF DATE OF NEXT MEETING**

25 MR. ROGILLIO: Well, we have Determination of

1 the Next Meeting Date.

2 MR. GURVICH: We have any before September or
3 something like that?

4 MS. RYLAND: The end of September. But we have
5 nothing out there. End of September would be beautiful.

6 MR. GURVICH: There's not a whole lot going on,
7 to be perfectly honest. Do y'all have your little
8 calendars?

9 MS. RYLAND: You have it in the back of your
10 packet.

11 MR. DUPLECHAIN: How about, like, the 18th?

12 MR. ROGILLIO: September?

13 MR. DUPLECHAIN: 18th.

14 MR. ROGILLIO: That's great.

15 MR. GURVICH: Does that sound good?

16 MR. ROGILLIO: Yes, sir. That's fine.

17 MR. GURVICH: All right. I'll make a motion,
18 then, that the next board meeting be at 9:30 in this
19 building on Thursday the 18th of September, 2014. Do I
20 hear a second?

21 MR. BAER: Second.

22 MR. DUPLECHAIN: Second.

23 MR. COTTON: Second.

24 MR. GURVICH: Motion by Mr. Gurvich, seconded by
25 Mr. Baer and Mr. Duplechain and somebody over here,

1 Mr. Cotton. All in favor of the motion as stated say
2 aye.

3 ALL BOARD MEMBERS: Aye.

4 MR. GURVICH: Any opposed? The motion passes
5 unanimously. Next matter.

6 **QUESTIONS FROM THE PUBLIC**

7 MR. GURVICH: Questions from the Public.
8 Anybody care to come forward and address the board for
9 any reason? I think this lady has been waiting patiently
10 on the first row.

11 MS. AUCOIN: That's my supervisor.

12 MR. GURVICH: Thank you for coming. All right,
13 then. I think we're ready to adjourn. Anyone care to
14 make a motion to that effect? I'll make a motion to
15 adjourn, "sine die."

16 MS. VINSON: Second.

17 MR. COTTON: Second.

18 MR. GURVICH: Motion by Mr. Gurvich seconded by
19 Ms. Vinson and Mr. Cotton. All in favor of the motion as
20 stated say aye.

21 ALL BOARD MEMBERS: Aye.

22 MR. GURVICH: Any opposed? Thank you, everyone.

23 **(End of Proceedings.)**

24

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C E R T I F I C A T E

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I, Annette Ross, Certified Shorthand Reporter in and for the State of Louisiana, as the Officer before whom this testimony was taken, do hereby certify:

That the proceedings as herein before set forth in the foregoing 59 pages was reported by me in stenographic machine shorthand, transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not of counsel, nor related to any person participating in this cause, and am in no way interested in the outcome of this event;

That the transcript has been prepared in compliance with the transcript format guidelines required by statute and by rules of the board;

That I have acted in compliance with the prohibition on contractual relationships as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board.

This certification is valid only for a transcript accompanied by my original signature and raised seal on this page.

ANNETTE ROSS,
CCR NO. 93001

22nd day of June, 2014