

1 LOUISIANA STATE BOARD OF PRIVATE SECURITY EXAMINERS  
2 QUARTERLY BOARD MEETINGS  
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 June 28, 2012  
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20 Reported By  
21 ANNETTE ROSS, CCR, RPR  
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APPEARANCES

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BOARD MEMBERS:

- Mr. Louis S. Gurvich, Jr., Chairman, District 1
- Thomas L. Baer, District 3
- Donald O. Cotton, District 5
- Kenneth R. Kennedy, Member at Large
- Denise Lockett, Member at Large
- James H. "Chip" Romero, Member at Large
- Christine Vinson, Member at Large

COUNSEL:

- Allison McLeary, Esq.

BOARD STAFF:

- Mr. Wayne R. Rogillio
- Ms. Jane Ryland
- Mr. Dickie Thornton
- Ms. Sharon Vallery

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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**TRANSCRIPT OF PROCEEDINGS**

1  
2 MR. GURVICH: Welcome, everyone, to the  
3 quarterly board meeting of the Louisiana State Board of  
4 Private Security Examiners. I'd ask, Chief Rogillio, if  
5 you will be so kind as to lead us in the Pledge of  
6 Allegiance, followed by a brief moment of silence.  
7 Chief.

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

9 MR. GURVICH: Thank you. May we have a quorum  
10 call.

11 (Roll call.)

12 MR. GURVICH: We have a quorum present. Chief,  
13 what's your pleasure? I know we're waiting for counsel.  
14 I know we have a bunch of folks here for hearings, but  
15 our counsel is on the way, and she represents the board  
16 in the hearings. So if we may, I'd like to proceed to  
17 something that we can do without counsel being present.

18 **RECOGNITION OF KAREN POMEROY'S AND NELL WICKWIRE'S**  
19 **RETIREMENT**

20 MR. ROGILLIO: All right, sir. I'd like to take  
21 a moment to recognize two of our employees that are  
22 retiring. Karen Pomeroy, would you stand, Karen. And  
23 Nell Wickwire, where is Nell? In the back.

24 (Applause.)

25 MR. ROGILLIO: These ladies have worked here

1 each for ten years, and they are eligible for retirement.

2 MR. GURVICH: So they are on disability, then.

3 (Laughter.)

4 MR. ROGILLIO: We treated them good. They  
5 really just -- they just got enough, so they are  
6 retiring. And we want to thank y'all for your service.  
7 Thank you very much.

8 MR. GURVICH: Thank you very much.

9 MR. ROGILLIO: Okay. So we'll move on next to  
10 the budget.

11 MS. RYLAND: Wait. Excuse me just a second. We  
12 need to waive the reading of the minutes.

13 MR. ROGILLIO: Okay.

14 MR. GURVICH: I'll move to waive the reading of  
15 the minutes of the previous meeting.

16 MR. BAER: Second.

17 MR. ROMERO: Second.

18 NEW BUSINESS, AMENDMENT OF 2011-2012 BUDGET

19 MR. ROGILLIO: We'll move on to the budget  
20 items. Mr. McRight is here, and he needs to get out of  
21 here as soon as possible, so, Mr. Mack, if you want to --

22 MR. MCRIGHT: Do you want me to go over here?

23 MR. ROGILLIO: You can come up here.

24 MR. MCRIGHT: I may need Sharon also.

25 MR. ROGILLIO: Watch your credit card. Do you

1 want her up here as well?

2 MR. MCRIGHT: Yes. She will probably help me  
3 put on the budget part. I'm Lawrence McRight. I'm the  
4 accountant for the board. And I'm here today to present  
5 a couple of things: The Financial Statement for the 11  
6 months ending May 31st and the Amended Budget for this  
7 year and the Proposed Budget for the coming year.

8 If you will go about five pages over into your  
9 packet, there is a balance sheet for the May 31st,  
10 2011 -- I mean '12. Sorry about that.

11 Basically, the May 31st, on the balance sheet, y'all  
12 had \$445,000 worth of cash. Y'all had property and  
13 equipment of 375,000, giving y'all total assets of  
14 \$820,000. Y'all had liabilities, payroll, deferred  
15 compensation, totaling about 80,919. That's the  
16 retirement, the payroll tax, all of that stuff that has  
17 to be paid that wasn't paid as of the end of the month.

18 Y'all have long-term liabilities of -- these are for  
19 benefits that are due after people retire, and you have  
20 to set up an amount to cover that. That's \$384,000 as of  
21 right now. That will be adjusted by the auditors at the  
22 end of June, probably by another \$90,000 or so.

23 Y'all have capital. Like a company, your capital  
24 account is really your retained earnings of \$355,000. So  
25 that basically gives y'all roughly \$355,000 to operate on



1 if everything else had shut down and you didn't have any  
2 funds coming in for the following year.

3 On the next page is for the -- I skipped a page  
4 somewhere. On a couple pages over from there, we have  
5 the revenues for the month ending -- for the year ending  
6 May 31st, 2012. So far this year, y'all have taken in  
7 \$756,000 and y'all have expended \$726,000, leaving y'all  
8 an increase in retained earnings of up to \$30,000 so far  
9 this year.

10 Everything is going along pretty close to budget.  
11 There was no items that -- really significant variances  
12 from budget. They pretty well stayed within in line,  
13 although we do need to amend the budget as of June 30th.  
14 The legislative auditor requires y'all to be within 5  
15 percent of the actual amounts. If not, you get written  
16 up for it.

17 So we are proposing that, on the next few pages, we  
18 have an Amended Budget for the June 30, 2012, year that  
19 the board needs to act on and amend the budget for  
20 June 30 so that, whenever we finish the month of June, it  
21 will be within 5 percent of the budgeted figures for the  
22 year.

23 MR. GURVICH: And we need to enact the 2013  
24 Budget of June or July 2012 to June 2013; do we need to  
25 enact that budget today?

1 MR. MCRIGHT: Yes. Y'all need to approve that  
2 budget for the coming year, which can be amended any time  
3 during the year that you need to, but this is our  
4 Proposed Budget.

5 MR. GURVICH: Right. So we've got two things to  
6 do?

7 MR. MCRIGHT: Yes, sir. As far as the current  
8 financials, if y'all don't have any questions, we can  
9 move on to the budget, or if there is any anything  
10 specific y'all want to know about the current.

11 MR. GURVICH: Well, it's your belief that things  
12 are running more or less close to where the projections  
13 were?

14 MR. MCRIGHT: Right. We're running pretty well  
15 in line with where we should be. You know, the object is  
16 not to make a big profit, but it's not to lose money each  
17 year. Right now we are projecting y'all will be  
18 somewhere in the \$30,000 to the good for the year, which  
19 just adds to the amount so y'all can operate without  
20 having to go look for increases over the next few years.

21 MR. GURVICH: So we want a motion to amend the  
22 budget as stated in this couple of pages here?

23 MR. MCRIGHT: The following five or six pages,  
24 right.

25 MR. GURVICH: That would be -- and the pages

1 aren't numbered. I see here Amended Expenses Budget and  
2 Amended Revenue Budget.

3 MR. MCRIGHT: Right. Those two together make  
4 the budget for June 30th, 2012.

5 MR. GURVICH: All right. Well, then I will make  
6 a motion to amend the July 31, 2011, to June 30, 2012,  
7 budget as proposed on the documents provided by our  
8 accountants and noted herein as Amended Revenue Budget  
9 and Amended Expenses Budget. Is that pretty much what  
10 you wanted to do here?

11 MR. MCRIGHT: Yes, sir.

12 MR. GURVICH: Do I hear a second to the motion?

13 MR. ROMERO: Second.

14 MS. VINSON: Second.

15 MR. GURVICH: Motion by Mr. Gurvich jointly  
16 seconded by Mr. Romero, Ms. Vinson, and -- was that  
17 Mr. Kennedy? Do I hear any debate/discussion? All in  
18 favor of the motion say aye.

19 ALL BOARD MEMBERS: Aye.

20 MR. GURVICH: Any opposed? The motion passes  
21 unanimously. You have your Amended Budget. Now the July  
22 2012.

23 **NEW BUSINESS, APPROVAL OF 2012-2013 BUDGET**

24 MR. MCRIGHT: About five pages over, we have a  
25 little -- well, this says Proposed Budget, June 30th,

1 2013. We have revenues first. We are projecting  
2 revenues to come in of \$839,400 for year ending  
3 June 30th. And we are projecting expense budgets of  
4 817,500. So we are projecting, at the beginning of the  
5 year, a slight profit, roughly 20-something thousand  
6 dollars for the coming year end June 30, 2013.

7 And all this is also subject to change, because a  
8 lot of your moneys comes from fines and regulatory stuff  
9 that depends on what comes in, and then you decide what  
10 you can spend after you see what actually comes in. This  
11 is our projection of what we expect to come in for  
12 6/30/2013.

13 MR. GURVICH: This goes through June 30, 2013.

14 MR. MCRIGHT: Yes, sir.

15 MR. GURVICH: The cautionary note I would throw  
16 in is, if the Obamacare -- it appears as if it's going to  
17 remain law -- comes into play, six months thereafter,  
18 there could be a radical decrease in security officer  
19 files. Now, that won't affect this budget, but it would  
20 certainly -- well, I don't know.

21 It depends. It's a judgment call whether, in the  
22 six months leading up to January 1, 2014, if there will  
23 be a diminution in enrollment of security officers. And  
24 there may not be. But I suspect there may very well be  
25 after January 1, 2014.

1 MR. MCRIGHT: Right. If they have to start  
2 covering everybody, right.

3 MR. GURVICH: But if the advent of Obamacare  
4 sharply reduces security officer enrollments in the lead-  
5 up to the actual coming into play of the Obamacare on  
6 January 1, 2014, that it could affect the tail end of  
7 this budget.

8 MR. MCRIGHT: Yes, sir.

9 MR. GURVICH: But it's still six months out, so  
10 I'm assuming.

11 MR. MCRIGHT: And y'all would have time to amend  
12 the budget and see where we're going to have to cut to  
13 stay within our projected revenues at that time.

14 MR. GURVICH: Right. I got you. Any comments  
15 or questions from our board members?

16 MR. ROMERO: Mr. Chairman.

17 MR. GURVICH: Mr. Romero.

18 MR. ROMERO: Without the availability to do the  
19 math real quickly, what items are we seeing increases in  
20 the Proposed Budget going forward in June 30, 2013?

21 MR. MCRIGHT: We're going to Sharon's expertise  
22 right now.

23 MS. VALLERY: Your LASERs and Retirement is  
24 going to go up. We have had a -- we have a decrease in  
25 the employees' portion of the group benefits, our health

1 insurance. But I'm not sure what the employer portion is  
2 going to do yet. We have not gotten a mandate from  
3 them.

4 Then, of course, postage is going to go up. The  
5 cost of copy paper, ink, and toner for our printers has  
6 gone up drastically. The cost of copy paper has gone up  
7 a lot.

8 MR. MCRIGHT: The wages are going to be about  
9 \$30,000 or so increase in your pay percent, at least.

10 MS. VALLERY: Because we have had some double  
11 and we will continue to have some double incumbencies  
12 while we are training and putting new people in place to  
13 replace the three people that have retired. So you're  
14 going to have a little increase in the wages, because we  
15 will have, you know, double incumbencies for a little  
16 bit.

17 MR. MCRIGHT: And, insurance, we expect that to  
18 go up a pretty good bit. About \$20,000?

19 MS. VALLERY: Probably.

20 MR. ROGILLIO: We have decreased the  
21 investigators from 20,000 each to 10,000 for this coming  
22 year, so that's a decrease.

23 MS. VALLERY: Because they only used, between  
24 the two, one of them used a little over 18- and one used  
25 a little over \$1900, so there was no reason, we didn't

1 feel like, to tie up \$20,000 in a contract for both of  
2 them when we feel like 10,000 is, you know, more  
3 sufficient -- you know, more efficient, if you guys agree  
4 with that.

5 MR. GURVICH: And if we did have somebody who  
6 reached that amount, we can always amend the budget.

7 MS. VALLERY: We can always amend it, but, I  
8 mean, we have done really good this year, because Dickie  
9 has been doing, you know, our checks and investigations  
10 and stuff and has saved us a lot of money, so.

11 MR. BAER: Mr. Chairman.

12 MR. GURVICH: Mr. Baer.

13 MR. BAER: Is there any plans to add a third  
14 investigator?

15 MR. ROGILLIO: Currently, no, sir, because of  
16 the dollars.

17 MR. BAER: At one time, we had three.

18 MR. ROGILLIO: We had three. One of them passed  
19 away --

20 MR. BAER: Right.

21 MR. ROGILLIO: -- and we didn't replace that  
22 individual. But we have held back because, a couple  
23 years ago, we had a financial crunch, if you will. And  
24 we asked you guys to give us that \$10 administrative fee  
25 tacked onto the applications and so forth, and that got

1 us out of the hole big-time.

2 But we're still not comfortable with continuing with  
3 -- and I don't -- I only use those investigators on an  
4 as-need basis. If there is a situation that comes up, I  
5 call them. They go take care of it. I don't give them  
6 just free rein to go out and do post checks and that kind  
7 of thing. I rely on Mr. Thornton for that.

8 MR. GURVICH: Any more comments/questions?

9 MR. MCRIGHT: One thing I could point out on the  
10 proposed budget, as always, salaries and benefits are the  
11 biggest item of it. We've got a budget of 800 and  
12 something thousand dollars. I believe 500-something of  
13 it is going to be employees, employee benefits. So  
14 that's your big item always on your budgets.

15 MS. VALLERY: Another increase is going to be  
16 our air-conditioning unit. We had an air-conditioning  
17 unit repaired at the cost of \$2800 this week. Our units  
18 are getting old. They're the same ones that came with  
19 the building. Is that right, Wayne?

20 (Mr. Rogillio nods head.)

21 MS. VALLERY: Same ones that were put in when  
22 the building was put in, and did we have to repair one  
23 this week at a cost of \$2800. So we did increase that  
24 maintenance to try to cover another repair in the event  
25 that we have one. We had to put a condenser in.



1 MR. GURVICH: How old are the units?

2 MR. ROGILLIO: We have been in the building  
3 almost 12 years, and they were here when the building was  
4 built for a year.

5 MR. GURVICH: How many do we have?

6 MR. ROGILLIO: Five.

7 MR. GURVICH: Five?

8 MR. ROGILLIO: Five units.

9 MR. GURVICH: I would imagine, in the next three  
10 years, they will all have to be replaced.

11 MR. ROGILLIO: Well, the compressor went out on  
12 this one particular unit, and the gentleman that did the  
13 repair said the unit was in good shape. So I assume that  
14 it will now hopefully last us a while longer.

15 MR. GURVICH: Any further comments or  
16 questions?

17 MR. ROMERO: Mr. Chairman.

18 MR. GURVICH: Mr. Romero.

19 MR. ROMERO: One question: Under the Proposed  
20 Budget, the last page at Special Requests, are those  
21 expenses already added into the budget?

22 MS. VALLERY: No. You all have to approve those  
23 before we can put those in, is my understanding.

24 MR. GURVICH: Well, we can afford it?

25 MR. MCRIGHT: Those items fall kind of under

1 maintenance anyway, and the money's available and they  
2 should be able to go ahead and do those items, especially  
3 like the restriping the parking lots and stuff like  
4 that. That's an ongoing safety type factor.

5 MR. GURVICH: Right.

6 MS. VINSON: With the painting, would there be  
7 any like moving costs involved with --

8 MS. RYLAND: That, I believe -- that's added  
9 into the estimate. There are some estimates in your  
10 packet, but we just haven't gotten to that part yet.

11 MR. ROGILLIO: It won't be every room in this  
12 building. It will only be those that need it. And all  
13 of those file cabinets, it's incumbent on the painter to  
14 move those things, paint behind them and then put them  
15 back. So all of that's included in that.

16 MR. GURVICH: Further comments or questions? If  
17 not, I will make a motion to approve and adopt the  
18 Proposed Revenue Budget presented to us by our  
19 accountant, that being July 1, 2012, through June 30,  
20 2013, to include the special requests adverted to by  
21 Mr. Romero. Do we have a second to the motion?

22 MR. BAER: Second.

23 MS. VINSON: Second.

24 MR. GURVICH: Jointly seconded by Mr. Baer and  
25 Ms. Vinson. Any further debate/discussion? If none,

1 I'll call for a vote. All in favor say aye.

2 ALL BOARD MEMBERS: Aye.

3 MR. GURVICH: Any opposed? The motion passes  
4 unanimately. Thank you, sir.

5 MR. MCRIGHT: Thank y'all.

6 MR. GURVICH: Chief, what can we do now?

7 **NEW BUSINESS, APPROVAL OF CONTRACTS**

8 MR. ROGILLIO: I have the contracts for our  
9 court reporter, our CPA, our two investigators if you  
10 want to take that matter up now.

11 MR. GURVICH: Sure. Let's just keep moving  
12 until counsel gets here.

13 MR. ROGILLIO: It's nothing has changed in the  
14 contracts. It's the same as it's always been, except for  
15 the dollar amount for the two investigators, as I said,  
16 we reduced. So I would need you -- if y'all approve  
17 these, I would need you to sign them.

18 MR. GURVICH: You're talking about two contracts  
19 for two investigators, one contract for the court  
20 reporter?

21 MR. ROGILLIO: Yes, sir. And we have --

22 MS. RYLAND: Our CPA and our two computer  
23 people.

24 MR. GURVICH: And all being renewed at the same  
25 rate and so forth?

1 MR. ROGILLIO: Yes, sir.

2 MS. RYLAND: No. Not the investigators.

3 MR. GURVICH: Not the investigators.

4 MR. ROGILLIO: Well, not the investigators.

5 MR. GURVICH: Well, the hourly rate would be the  
6 same?

7 MR. ROGILLIO: Right.

8 MS. RYLAND: And the max is ten, a less amount.

9 MR. GURVICH: The max has been reduced. Okay.  
10 Well, shall we -- do you want to handle this  
11 individually, or do we just do this in globo and knock  
12 them all out?

13 I will make the motion to approve the contract as  
14 presented without change. Do I hear a second?

15 MS. LOCKETT: Second.

16 MR. ROMERO: Second.

17 MS. VINSON: Second.

18 MR. GURVICH: Motion by Mr. Gurvich, jointly  
19 seconded by Mr. Romero and -- was that Ms. Lockett down  
20 there? And Ms. Vinson. Debate? Discussion? There  
21 being none, I'll call for the vote. All in favor say  
22 aye.

23 ALL BOARD MEMBERS: Aye.

24 MR. GURVICH: Any opposed? The motion passes  
25 unanimously.

1 MR. ROGILLIO: Do you want to sign these now or  
2 wait till --

3 MS. RYLAND: No. I have the originals, so hang  
4 on one second.

5 MR. ROGILLIO: Well, I was going to say, we can  
6 do it after the board meeting if you wish.

7 MS. RYLAND: Yes, sir.

8 **NEW BUSINESS, APPROVAL OF PAINTING BUILDING INTERIOR**

9 MR. ROGILLIO: The next matter is, and I think  
10 you have already touched on this, to discuss the painting  
11 of the building. That was to be approved or disapproved.

12 MR. GURVICH: Well, we have approved it as sort  
13 of an amendment to the budget.

14 MS. RYLAND: Well, there's bids on it. Do we  
15 have to look at the bids?

16 MR. GURVICH: If it's under 10,000, I don't  
17 think you have to get bids. If you want to get bids,  
18 it's perfectly all right.

19 MS. RYLAND: We have three bids.

20 MR. ROGILLIO: We have three proposals already,  
21 but it's under ten, so we don't have to go out for bid,  
22 basically.

23 MR. GURVICH: I don't know, unless there's any  
24 sentiment from the board otherwise, just use your best  
25 judgment and inherent authority as the chief

1 administrative officer of the board to pick whoever you  
2 think will do the best job at the best price.

3 **OLD BUSINESS, OFFICE STATUS AND FINANCIAL REPORTS**

4 MR. ROGILLIO: Okay. We go back up to Item 5,  
5 if you would, for the Status Reports and the Financial  
6 Report. We have pretty much covered that already. But,  
7 Status Report, if you have any questions, that's in your  
8 packet.

9 MR. ROMERO: Mr. Chairman.

10 MR. GURVICH: Mr. Romero.

11 MR. ROMERO: Do we see any trending on the  
12 status reports one way or the other that --

13 MR. ROGILLIO: No, sir. It pretty much  
14 maintains the same. I mean, it may go up 2 percent,  
15 3 percent, but, basically, it stays pretty much the same.

16 MR. GURVICH: The Teknarus computer support, do  
17 we need to approve that as well?

18 MR. ROGILLIO: That was in your contracts.

19 MR. GURVICH: I didn't even know that. That was  
20 one of the contracts?

21 MR. ROGILLIO: Yes, sir. That's the computer  
22 people.

23 MR. GURVICH. And that's renewed at the same?

24 MR. ROGILLIO: Yes, sir. Yes, sir. Our  
25 attorney hasn't arrived, so.

1 MR. GURVICH: Well, I mean, do we have -- some  
2 of these things you can probably get through without a  
3 contradictory hearing.

4 MR. ROGILLIO: Oh, yeah. You need a motion to  
5 approve the reports, the Financial Report and the Status  
6 Report.

7 MR. GURVICH: The Financial Report and the  
8 Office Status Report, has everybody had an opportunity to  
9 review them? There is nothing outstanding, new,  
10 unsuspected, or, you know, that sort of thing?

11 MR. ROGILLIO: No, sir.

12 MR. GURVICH: I'll make a motion to approve the  
13 Office Status Report and Financial Report as submitted.  
14 Do I hear a second?

15 MR. ROMERO: Second.

16 MR. BAER: Second.

17 MR. GURVICH: Motion by Mr. Gurvich seconded by  
18 Mr. Baer and Mr. Romero, I believe. All in favor say  
19 aye.

20 ALL BOARD MEMBERS: Aye.

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

23 **LEGAL UPDATE/LEGISLATION**

24 MR. ROGILLIO: Mr. Blackburn is not here, of  
25 course. He got called down to the governor's office with

1 Colonel Edmonson. But I was hoping he would be here to  
2 give a legal update. But we took a lot of pounding in  
3 the legislature, if you will. We had a lot of opposition  
4 to the bills that we introduced, and most of it came from  
5 the sheriffs' association.

6 And I met Senator Bodie White and a member of the  
7 sheriffs association on one of our bills and changed the  
8 verbiage just a little bit, and it seemed to please  
9 them. But I couldn't tell you at this point if it passed  
10 or not, because I haven't gotten anything back.

11 But, Ms. Vinson, the one that you wanted passed that  
12 had to do with raising the penalty for attack on a  
13 security officer failed miserably. It first started out,  
14 if you remember, with jail time, and that was a problem.  
15 So that was reduced to like a \$1,000 fine, and then,  
16 later, that was even reduced to where it's just strictly  
17 simple battery as it was before.

18 MS. VINSON: Okay.

19 MR. ROGILLIO: So we tried. We didn't have a  
20 lot of luck down there.

21 **SECURITY ALLIANCE OF FLORIDA**

22 MR. ROGILLIO: We can go to the adjudicatories  
23 if you wish. We can handle Security Alliance, Item No. 9  
24 on your agenda for --

25 MR. GURVICH: Do we have witnesses or parties



1 here from Security --

2 MR. ROGILLIO: Well, I have an attorney  
3 representing Security Alliance, and they have entered  
4 into a stipulation. If you folks agree with that  
5 stipulation, we can continue.

6 MR. GURVICH: Yes, sir. If you would, please  
7 give your name and introduce yourself.

8 MR. DERBES: Yes. Mr. Chairman, Ms. or Vice  
9 Chairman, remaining members of the board, my name is Al  
10 Derbes, IV. I'm the attorney for Security Alliance, LLC,  
11 formerly known as Security Alliance of Florida, LLC.

12 And we've reached a stipulation after negotiating  
13 with Mr. Blackburn and Mr. Rogillio regarding this  
14 matter. And I suggested to Mr. Rogillio that I would  
15 read a copy of it. I don't know if y'all have a copy of  
16 it.

17 MS. RYLAND: No.

18 MR. DERBES: No? I'm sorry. It's only three  
19 sentences. One is that:

20 "Security Alliance had responded to a  
21 federal request for proposal" -- with the Army  
22 Corps of Engineers, it was -- "and did so  
23 without an application for licensure in place  
24 with the state board.

25 "Security Alliance will pay a \$1,000 fine

1 to the state board.

2 "And Security Alliance has complied with  
3 all the rules and regulations associated with  
4 obtaining a license from the state board, and  
5 having passed all required examinations, the  
6 state board agrees that Security Alliance" would  
7 "be awarded a company license."

8 And that's the Stipulation.

9 The background is, my client filed for an  
10 application with the Army Corps of Engineers, request for  
11 proposal for a job.

12 They had previously been in Louisiana during  
13 Hurricane Katrina. They were actually the ones who  
14 guarded Tulane University on a special emergency thing.  
15 Then, later on, they had a license again that got  
16 renewed. And then, later on, then they allowed their  
17 license to lapse and they didn't know that you had to  
18 come in and have the license application pending to do a  
19 response request for proposal with the Army Corps.

20 They got awarded the job and then they have lost the  
21 job. The award was withdrawn. I'm not sure of the exact  
22 federal word.

23 And so what they have done is, they have done the  
24 applications, done the application process, and are now  
25 in negotiations with Mr. Blackburn and Mr. Rogillio.

1 This is the solution that we suggest.

2 MR. GURVICH: Chief, that's the stipulation?

3 MR. ROGILLIO: Yes, sir. And that's based all  
4 upon the fact that the board would have to approve that  
5 stipulation and sign off on it.

6 MR. GURVICH: All right. Well, okay. Relative  
7 to the Charge Letter of May 9th, 2012, in regards to  
8 Item 1 of said letter, that David Ramirez, Owner and  
9 qualifying agent of Security Alliance of Florida, LLC,  
10 Security Alliance, LLC, did operate a contract security  
11 company without possessing a valid license in violation  
12 of R.S. 37:3276(F) and R.S. 37:3291(A) (1).

13 So that is the effect of the stipulation as to you  
14 want to plead guilty to the charge.

15 MR. DERBES: Well, not plead guilty. We  
16 actually didn't operate.

17 MR. GURVICH: To admit the veracity of the --

18 MR. DERBES: I guess we are admitting to, we  
19 didn't have the application. They did not operate. They  
20 were not operating at all. They were only in Florida.  
21 They just sent in the response. So the effect of it is  
22 to say that we did -- I guess our plea is slightly  
23 different. We did so without having the application in  
24 place. If they had the application in place, there would  
25 be no legal issue here.

1 MR. GURVICH: Well, I will make a motion that  
2 the board adopt the stipulations and fines adverted to in  
3 said Stipulation.

4 MR. ROMERO: Second.

5 MR. GURVICH: Motion by Mr. Gurvich, second by  
6 Mr. Romero. Debate? Discussion? Counsel? Chief? All  
7 in favor of the motion as stated say aye.

8 ALL BOARD MEMBERS: Aye.

9 MR. GURVICH: The motion passes unanimously.  
10 Thank you for being here today.

11 MR. DERBES: Thank you, sir.

12 MR. GURVICH: Why don't you get your record in  
13 order and include everything in globo in the record.

14 MR. ROGILLIO: All right, sir. As you so  
15 eloquently put it, we will ask that the entire record be  
16 submitted in globo and the Stipulation as part of that  
17 record.

18 MR. GURVICH: Next matter. Do you have any  
19 other uncontested or relatively uncontested hearings?

20 MR. ROGILLIO: I think, sir, we can move to  
21 Item 10, Williams Security. Mr. Williams is here, and I  
22 have witnesses here for that matter.

23 MR. GURVICH: Okay. Well, are we stipulating  
24 this away, or is it going to be contested?

25 MR. ROGILLIO: I think it is going to be a full-

1 | blown hearing, I think.

2 | MR. GURVICH: Well, do you have any others where  
3 | we can do a quick stipulation?

4 | **ALPHA OMEGA SECURITY ASSOCIATES, INC.**

5 | MR. ROGILLIO: Well, if you go to No. 3, that  
6 | one, we have taken care of this morning.

7 | MR. GURVICH: Okay. No. 3 is off; y'all have  
8 | handled that?

9 | MR. ROGILLIO: Yes.

10 | **DARE INVESTIGATIONS AND SECURITY**

11 | MR. ROGILLIO: No. 5 is Dare Investigations and  
12 | Security. Dickie, would you sound the hall for him when  
13 | you get done. Anybody here from Dare, Dare  
14 | Investigations?

15 | MR. GURVICH: Dare Investigations and Security,  
16 | anyone here? Dickie, if you would, sound the halls.  
17 | (Mr. Thornton leaves, then reenters room.)

18 | MR. THORNTON: No one present from Dare.

19 | MR. GURVICH: All right. Chief, no one is here  
20 | from Dare Investigations and Security. What's your  
21 | pleasure?

22 | MR. ROGILLIO: Just a second, sir.

23 | MR. GURVICH: Is this an appeal of  
24 | administrative action or first impression?

25 | MR. ROGILLIO: No, sir. This is administrative

1 | action. Actually, this involves us doing an audit on  
2 | their investigations. And there were fines issued which  
3 | were never paid. And it's my understanding from our  
4 | investigator in North Louisiana that this gentleman has  
5 | apparently --

6 | (Ms. McLeary enters hearing.)

7 | MR. ROGILLIO: Good morning -- experienced some  
8 | financial problems and, I understand, may or may not have  
9 | lost his business and/or his home and whatever other  
10 | items he might have had. But our total fine was  
11 | \$3,152.50.

12 | He was served, personal service, by Mr. Coleman, our  
13 | North Louisiana investigator, but we have not had any  
14 | contact with him since the service, so.

15 | MR. GURVICH: You have gotten a valid service on  
16 | him with the Charge Letter?

17 | MR. ROGILLIO: Yes, sir.

18 | MR. GURVICH: By?

19 | MR. ROGILLIO: By Mr. Coleman.

20 | MR. GURVICH: Well, I mean, what's the method of  
21 | service on it?

22 | MR. ROGILLIO: Personal service.

23 | MR. GURVICH: Personal service?

24 | MR. ROGILLIO: Yes, sir.

25 | MR. GURVICH: All right. Well, in other words,

1 an administrative fine has been levied?

2 MR. ROGILLIO: Yes, sir.

3 MR. GURVICH: It was not paid timely; and we're  
4 at the point, at this juncture, anyway, is this a  
5 revocation?

6 MR. ROGILLIO: I would ask for a revocation at  
7 this point, yes, sir.

8 MR. GURVICH: And I will move that the license  
9 of Dare Investigations and Security, Inc., be revoked and  
10 that the fine previously assessed by the board staff be  
11 confirmed. Before any other licensure application is  
12 accepted, that will fine would have to be paid.

13 MR. ROMERO: Second.

14 MR. GURVICH: Motion by Mr. Gurvich, second by  
15 Mr. Romero. Debate? Discussion? All in favor of the  
16 motion as stated say aye.

17 ALL BOARD MEMBERS: Aye.

18 MR. GURVICH: No opposed? The motion passes  
19 unanimously. Next matter.

20 MR. ROGILLIO: All right, sir. Go back down  
21 to Item No. --

22 MR. GURVICH: We have a comment or a question.

23 MS. VINSON: Just a general housekeeping  
24 question, I guess. If someone reapplies, does the fine  
25 follow the company name or the qualifying agent's name?

1           MR. GURVICH: That's a good question. It would  
2 certainly follow the company name.

3           MR. ROGILLIO: Yes. We normally issue the fine  
4 to the company and the individual who is listed as owner  
5 or owners. The qualifying agent is not somebody that we  
6 actually hold accountable for that.

7           MS. VINSON: Okay.

8           MR. ROGILLIO: That's the company owner.

9           MS. VINSON: So it follows the owner?

10          MR. ROGILLIO: Yes, ma'am. If it's a  
11 corporation, then, of course, it would be listed as -- in  
12 our letter, it would be listed as the corporation and  
13 owner or officers.

14          We try to cover everybody, except somebody like the  
15 qualifying agent. That person is responsible, of course,  
16 for the flow of the paperwork here, but not necessarily  
17 for fines or administrative fines.

18          Okay. We can go with Williams.

19          MR. GURVICH: The remainder of the hearings are  
20 contested witness type hearings?

21          MR. ROGILLIO: Yes, sir.

22          MR. GURVICH: Okay. Allison, do you need some  
23 time to?

24          MS. MCLEARY: If we could, if we could just have  
25 five minutes for me to converse with Mr. Rogillio.



1 MR. GURVICH: Shall we recess briefly until,  
2 say, 10:20?

3 MR. ROGILLIO: That will be fine.

4 MS. MCLEARY: Thank you.

5 (Recess taken.)

6 **CENTURY SECURITY AND EVENT STAFFING**

7 MR. GURVICH: Okay. Are we ready to go back on  
8 record?

9 MR. ROGILLIO: Yes, sir.

10 MR. GURVICH: Next matter.

11 MR. ROGILLIO: Next matter is Century Security  
12 and Event Staffing.

13 MR. GURVICH: Century Security and Event  
14 Staffing, do we have some folks here?

15 MR. BRYSON: Yes, sir.

16 MR. GURVICH: If you would, come forward, and  
17 they'll instruct you where to sit and give you a  
18 microphone.

19 MS. MCLEARY: And, Mr. Chairman, I believe that  
20 we have come to an agreement that there is not going to  
21 be any contesting of the violations as stated in the  
22 Charge Letter for Mr. Rogillio, that Century just had  
23 wanted to address the board.

24 MR. GURVICH: And, sir, your name?

25 MR. BRYSON: My name is Shannon Bryson,

1 president of Century Security.

2 MR. GURVICH: Okay. We are not having testimony  
3 or anything, so we don't need to swear witnesses or  
4 anything?

5 MR. ROGILLIO: No, sir.

6 MR. GURVICH: Yes, sir.

7 MR. BRYSON: The problem that was created with  
8 our uniforms we have corrected since. We were just  
9 waiting on a shipment for the additional uniforms. The  
10 officers were out of uniform that day were basically out  
11 of uniform because of a late shipment. So the problem  
12 has been addressed within our company and resolved.

13 MR. GURVICH: So y'all have reached some sort of  
14 stipulation?

15 MS. MCLEARY: Yes, sir. He is just going to  
16 stipulate to the charges as outlined in the letter sent  
17 by Mr. Rogillio. He doesn't contest any of that, any of  
18 the violations.

19 MR. GURVICH: That is May 23rd, 2012, Charge  
20 Letter alleging 11 violations of Title 46, Part 59,  
21 Chapter 7, Section 701(E); that's the uniform section?

22 MS. MCLEARY: Yes, sir.

23 MR. GURVICH: Okay. So have y'all reached a  
24 stipulation on the amount of the fine?

25 MS. MCLEARY: No, sir, not as far as the amount

1 of the fine.

2 MR. ROGILLIO: I would like to add, if you, the  
3 board, would consider, the cost of our investigation at  
4 this point was \$324 when you consider the fines.

5 MR. GURVICH: All right. So there is no  
6 question as to the facts; we have stipulated away the  
7 facts?

8 MS. MCLEARY: Yes, sir.

9 MR. GURVICH: Now, does the board assess fines?

10 MR. ROGILLIO: No, sir.

11 MR. GURVICH: They are being appealed, or this  
12 is a matter of first impression for us?

13 MR. ROGILLIO: This is an appeal to you.

14 MR. GURVICH: Okay. All right. Well, do any of  
15 our board members have a motion or comments or questions  
16 for either party?

17 MR. BAER: Yes. Mr. Chairman.

18 MR. GURVICH: Mr. Baer.

19 MR. BAER: What about the 9 of the 13 had no  
20 license; is that -- they were actually separate from the  
21 uniform issue, correct?

22 MR. BRYSON: Yes, sir. They were actually  
23 working as -- they were front door personnel working as  
24 badge checkers, which they didn't need license for. So  
25 they were just out of uniform. We had put them in

1 security uniforms by mistake, because the other ones had  
2 not come in yet, sir.

3 MR. GURVICH: Any other comments or questions?  
4 What kind of record with the board does this company  
5 have, if I may inquire?

6 MR. ROGILLIO: The company is fairly new. This  
7 is the first time we have had a problem. And basically  
8 what this was, was, if you recall, the board asked for a  
9 rule that ticket takers, badge checkers, folks of that  
10 nature, did not have to register. But there is a part of  
11 the rule that says that they cannot wear a uniform that  
12 designates them as security.

13 They were wearing uniforms that said "security." So  
14 that's why we're here. They have since changed their  
15 logo on their uniforms, a patch.

16 MR. GURVICH: The shipment of uniforms, the  
17 proper uniforms, have arrived?

18 MR. BRYSON: Yes, sir.

19 MR. GURVICH: And all these problems have been  
20 remedied?

21 MR. BRYSON: Yes, sir.

22 MR. ROGILLIO: We have gotten a copy of the new  
23 logo, and it doesn't say "security" on that particular  
24 patch.

25 MR. GURVICH: I'll make a motion if nobody else

1 will.

2 MS. VINSON: I'll be happy to.

3 MR. GURVICH: Okay. Well, I will defer to  
4 Ms. Vinson.

5 MS. VINSON: I'd like to make the motion that we  
6 assess a fine of \$50 per violation, plus the cost of the  
7 investigator.

8 MR. GURVICH: The \$324?

9 MS. VINSON: Yes, sir.

10 MR. GURVICH: I'll second the motion.

11 MS. VINSON: Oh, plus admin fees, if I can amend  
12 it.

13 MR. GURVICH: Well, that is the admin fees,  
14 \$324?

15 MR. ROGILLIO: Yes, sir.

16 MR. GURVICH: So that would be 11 times 50; in  
17 other words, what, \$550, plus 324. Don't trust my math.  
18 That's \$874 total? Okay. Final  
19 debate/discussion/comments? Allison.

20 MS. MCLEARY: No, sir.

21 MR. GURVICH: Mr. Bryson.

22 MR. BRYSON: No, sir.

23 MR. GURVICH: Board members. All right. I'll  
24 call for the vote. All for the motion as stated by  
25 Ms. Vinson say aye.

1 ALL BOARD MEMBERS: Aye.

2 MR. GURVICH: Any opposed? The motion passes  
3 unanimately. Do y'all have sort of an automatic  
4 arrangement on time for payment and that sort of thing?

5 MR. ROGILLIO: It's 30 days normally, yes, sir.

6 MR. GURVICH: All right. Thank you for being  
7 here today, sir. By the way, it is supremely important  
8 that security is marked as security and ticket takers and  
9 whatever else is marked as something else and never the  
10 twain shall meet. We just don't want a situation where  
11 somebody is mistaken for somebody or something that they  
12 are not.

13 MR. BRYSON: Yes, sir.

14 MR. GURVICH: We adhere to that rule very  
15 strictly. Thank you, sir.

16 MR. BRYSON: Thank you.

17 **LOUISIANA PROTECTIVE AGENCY, INC.**

18 MR. ROGILLIO: The next matter is Item No. 8,  
19 Louisiana Protective Agency, Inc.

20 MR. GURVICH: Personal serve from Louisiana  
21 Protective Agency?

22 MS. MCLEARY: Yes, sir. Mr. Washington is  
23 here. We have discussed the May 23rd violation letter  
24 issued by Mr. Rogillio. And as I understand it,  
25 Mr. Washington is not going to -- doesn't contest the

1 | violations as enumerated in the letter, but he would like  
2 | to address the board. As I understand, Mr. Rogillio has  
3 | not issued a letter as to the amount of the fines, and  
4 | this is a first impression of the board.

5 | MR. GURVICH: Oh, okay. What's the nature of  
6 | the violation?

7 | MS. MCLEARY: There were six unregistered  
8 | guards. A complaint was received into the board, it was  
9 | investigated, and there were six guards who were not  
10 | registered and two did not obtain their firearms  
11 | training.

12 | MR. GURVICH: We had two armed guards without  
13 | firearms training?

14 | MS. MCLEARY: Yes, sir.

15 | MS. VINSON: The six are just officers, unarmed  
16 | officers?

17 | MS. MCLEARY: Yes, ma'am.

18 | MR. GURVICH: Okay. Now you all have entered  
19 | into -- that's Mr. Washington, I take it?

20 | MR. WASHINGTON: Yes, sir.

21 | MR. GURVICH: You are the owner of Louisiana  
22 | Protective Agency, Inc.; is that correct?

23 | MR. WASHINGTON: Yes, sir.

24 | MR. GURVICH: You all have entered into a  
25 | stipulation relative to the May 23rd, 2012, Charge

1 Letter?

2 MS. MCLEARY: Yes, sir.

3 MR. GURVICH: I don't want to put words in  
4 y'all's mouths.

5 MS. MCLEARY: As I understand it, Mr. Washington  
6 is going to stipulate that the violations as stated in  
7 the letter did occur; he is not going to contest that  
8 those violations occurred. He would just like to address  
9 the board and leave the issue as to fines and  
10 administrative penalties to you guys.

11 MR. GURVICH: All right. Just for housekeeping,  
12 that in Paragraph 1 of this Charge Letter, there are six  
13 security officers who were not registered.

14 MR. WASHINGTON: Right.

15 MR. GURVICH: And there were, in Paragraph 2,  
16 there were two armed officers who were unregistered or  
17 they weren't trained?

18 MR. ROGILLIO: Firearms training.

19 MR. GURVICH: They had registered?

20 MR. ROGILLIO: It was firearms training is what  
21 they were charged with.

22 MR. GURVICH: Okay. They did not -- and those  
23 violations did in fact occur, according to the  
24 stipulation that you now wish to enter into?

25 MR. WASHINGTON: Yes, they did, yes, sir.



1           MR. GURVICH: All right. Then we will accept  
2 the stipulation as presented. Now, that being said, did  
3 you wish to address the board, sir?

4           MR. WASHINGTON: Well, I just want to say that,  
5 during the time that the letters came out, I was in the  
6 hospital. I have been back and forth in the hospital.  
7 And I have my wife. She has been trying to run the  
8 business and learn the business. And she didn't know  
9 anything about the letters.

10           And the person that I had in charge was running the  
11 business, and they didn't get the letters out to the  
12 people in time. And when my wife came in to clean it up,  
13 clean up house, and fire her, that's when they started  
14 naming names and pulling out stuff. So that's what  
15 created all these problems here, because I usually have  
16 my people trained.

17           So I ended up having to fire everybody that was in  
18 charge and everybody that was not taking care of their  
19 business. So now, recently, I just went to the hospital  
20 again, and I just got out. But my wife, she has really  
21 learned the business very well. And so, like I say, we  
22 would like to apologize to the board and we'll take our  
23 hit.

24           MR. GURVICH: Thank you, sir. Counsel, any  
25 further comment or question?

1 MS. MCLEARY: No, sir.

2 MS. VINSON: I'll make a motion. I'd like to  
3 make a motion that the board assess a fine of \$50 per  
4 nonregistered security officer and \$250 for each  
5 unarmed -- for each armed non-trained officer, plus admin  
6 fees.

7 MR. GURVICH: Do we have admin fees?

8 MS. RYLAND: It will be the flat 125.

9 MR. ROGILLIO: 125, sir, as we normally do.

10 MR. GURVICH: So 125. And you have 6 at 50 --  
11 that's 300; and 2 at 250, that's 500, for a total of  
12 fines and fees and, again, don't trust my math, is that  
13 \$925?

14 MS. MCLEARY: Yes, sir.

15 MR. GURVICH: We have a motion by Ms. Vinson  
16 that fines, total fines and fees, be assessed at \$925  
17 with 30 days to pay. Final debate/discussion of the  
18 board members? Counsel?

19 MS. MCLEARY: No, sir.

20 MR. GURVICH: Mr Washington, any final words?

21 MR. WASHINGTON: No.

22 MR. GURVICH: We have a motion on the floor.  
23 Unless there is debate or discussion, I'll call for a  
24 vote. All in favor of the motion as stated say aye.

25 ALL BOARD MEMBERS: Aye.

1 MR. GURVICH: Any opposed? The motion passes  
2 unanimately. Thank you for being here today.

3 MS. WASHINGTON: Thank you, Board.

4 MR. GURVICH: Next matter.

5 **GUARDPOINT SECURITY**

6 MR. ROGILLIO: Next matter is Guardpoint  
7 Security, Item 7.

8 MR. GURVICH: We have folks here from Guardpoint  
9 Security. If you would, gentlemen, find a microphone and  
10 give your names to this nice lady.

11 MS. MCLEARY: Mr. Chairman, as in the previous  
12 matter is this matter also. Mr. Fetty has agreed to  
13 stipulate to the violations as cited in the May 23rd,  
14 2012, letter from Mr. Rogillio. He does not dispute that  
15 the violations occurred as stated in the letter. He  
16 would like to address the board. Mr. Rogillio has not  
17 instituted any fines. He has left that to you as the  
18 board as a matter of first impression.

19 MR. GURVICH: Okay. Mr. Fetty, just for  
20 housekeeping purposes, so you're aware of the May 23rd,  
21 2012, Charge Letter?

22 MR. FETTY: Yes.

23 MR. GURVICH: You received a copy?

24 MR. FETTY: Yes, I did.

25 MR. GURVICH: You're aware that your stipulation

1 in effect is asserting that these violations in fact  
2 occurred?

3 MR. FETTY: Yes.

4 MR. GURVICH: That is, in Paragraph 1, there was  
5 one security officer which failed to register.

6 Paragraph 2, there was one that was -- failed to  
7 provide classroom training for the first eight hours.  
8 That is one violation.

9 And then there was a violation in Paragraph 3 with  
10 regard to failing to provide classroom training for the  
11 second eight hours of two security officers.

12 Paragraph 4, one security officer stood post while  
13 armed.

14 And, Paragraph 5, two security officers stood a post  
15 without a registration card. So that's correct?

16 MR. FETTY: That is correct.

17 MR. GURVICH: Those violations in fact  
18 occurred. Okay. anything further on those  
19 recommendations?

20 MS. MCLEARY: Mr. Rogillio has something he'd  
21 like to add.

22 MR. ROGILLIO: I just have one point of  
23 interest. In Item 4 in the Charge Letter, Nick Fetty's  
24 age is 19. He is not old enough to be armed.

25 MR. GURVICH: All right. Well, in effect, we

1 have one violation of Paragraph 1; one violation of  
2 Paragraph 2; two violations at Paragraph 3; two -- one  
3 violation, I'm sorry, of Paragraph 4; and two violations  
4 in Paragraph 5. And I hope I'm getting all that correct?

5 MS. MCLEARY: Yes, sir.

6 MR. GURVICH: All right. Well, I'll make a  
7 motion. Any final points or words, sir, that you care to  
8 address the board at this point?

9 MR. WATKINS: I'm Donnie Watkins. I'm the  
10 administration for Guardpoint. I just wanted to let you  
11 know, both of those issues, both of those gentlemen that  
12 had issues, Mr. Hoy, we have no clear where he is at. He  
13 never returned back to Guardpoint at all after that  
14 incident. And Mr. Fetty has been on leave since that  
15 night. And we have resolved the issues.

16 MR. GURVICH: All right. That being said, I'll  
17 make a motion that the fine of \$50 be assessed as regards  
18 Paragraph 1's violation; a fine of \$50 be assessed as  
19 regards the Paragraph 2 violation; a fine of \$50 each be  
20 assessed for the two violations that occurred in  
21 Paragraph 3; and that Paragraph 4, which we regard  
22 obviously as more serious, that you had a 19-year-old  
23 underage security guard, that a fine of \$500 be assessed  
24 for that one violation; and that a fine of \$50 each be  
25 assessed as to Paragraph 5 for the two violations

1       therein. And we are adding in \$125 admin. Somebody give  
2       me numbers. Okay. I'll do this.

3               MR. GURVICH: \$925 total in fees and costs, 30  
4       days to pay. Do I hear a second to the motion?

5               MR. ROMERO: Second.

6               MS. VINSON: Second.

7               MR. KENNEDY: Second.

8               MR. GURVICH: Motion by Mr. Gurvich jointly  
9       seconded by Mr. Romero and Ms. Vinson and Mr. Kennedy.  
10      Is that \$925 okay?

11              MS. VINSON: Yes.

12              MR. GURVICH: All right. Any final  
13      comments/questions?

14      EXAMINATION OF MR. FETTY BY MR. BAER:

15      Q. Question: Where is Mr. Fetty? I mean, he is still  
16      the owner, correct?

17      A. No. I'm Mr. Fetty.

18      Q. Oh, you're Mr. Fetty.

19      A. That was my son.

20      Q. Oh, okay.

21      A. And he was supposed -- I was going to have him here  
22      today in case you wanted to field some questions to him.  
23      But he is right now taking a test with the sheriff's  
24      office in another parish.

25      Q. So is he the owner, or you're the owner?

1 A. I'm the owner.

2 Q. You're the owner. Okay.

3 A. I'm the owner. That's my son that they are talking  
4 about in the.

5 MR. GURVICH: Any further comments/questions/  
6 debate? I'll call for a motion (sic). All in favor of  
7 the motion say aye.

8 ALL BOARD MEMBERS: Aye.

9 MR. GURVICH: Any opposed? The motion passed  
10 unanimately. Thank you for being here today. That  
11 firearms situation, especially with an underage, is  
12 obviously a very big thing. You know, these others can  
13 be considered technical violations, but that, the public  
14 welfare is endangered when you have that kind of  
15 situation.

16 MR. FETTY: I understand.

17 MR. GURVICH: Thank you for being here today.  
18 Next matter.

19 MS. MCLEARY: Mr. Gurvich, would you allow me  
20 five minutes to speak with Mr. Mervin Williams of  
21 Williams Security before we call the matter.

22 MR. GURVICH: I believe five minutes of  
23 conference can save five hours of testimony.

24 MS. MCLEARY: Thank you.

25 (Recess taken.)

1 MR. GURVICH: Okay. Are we ready to go back on  
2 the record?

3 MR. ROGILLIO: Yes, sir.

4 MR. GURVICH: Chief, what's your pleasure?

5 **WILLIAMS SECURITY**

6 MR. ROGILLIO: The next matter is Williams  
7 Security. Mr. Williams is here.

8 MR. GURVICH: Folks from Williams Security, if  
9 you would, come forward to the microphone over here.

10 MR. ROGILLIO: We will be taking testimony on  
11 both matters coming up.

12 MR. GURVICH: All right. So we need to swear  
13 folks in.

14 (Mr. Wayne Rogillio, Mr. Mervin Williams, and Ms. Dawnita  
15 Michael are administered the oath.)

16 MS. MCLEARY: Mr. Chairman, I believe that this  
17 matter comes to the board as a matter of first  
18 impression. Mr. Rogillio issued a letter May 15th, 2012,  
19 to Mr. Williams outlining five violations of board laws  
20 and rules. There is some contesting of the violations,  
21 and I would like to call Mr. Rogillio first.

22 MR. GURVICH: All right. So y'all made an  
23 attempt to work this out and you weren't unable to get  
24 anywhere on that?

25 MS. MCLEARY: Yes, sir. We did make an



1 attempt. I believe that Mr. Williams does have some  
2 paperwork that he'd like to present in his defense.

3 MR. GURVICH: All right. Well, go ahead and  
4 proceed with your case in chief.

5 EXAMINATION OF MR. ROGILLIO BY MS. MCLEARY:

6 Q. Mr. Rogillio, did you have an opportunity to review  
7 Williams Security and Mr. Mervin Williams?

8 A. Yes, ma'am. I had received a phone call from a  
9 deputy in St. John Parish requesting information about  
10 whether or not armed security personnel were allowed to  
11 work in bars and lounges. And after discussing with this  
12 gentleman who is here today, by the way, advised him  
13 that, you know, they were hired by the  
14 owner/manager/lessee, that they could work there as  
15 basically contract employees, but they are employees of a  
16 security company, but yet, they are employees of the  
17 bar.

18 And after reviewing Mr. Williams' insurance policy,  
19 I found that there was an exclusion for any alcohol  
20 outlets. So the violation occurred, obviously, for them  
21 working a bar and lounge which where alcohol was served.  
22 And, of course, that led to the rest of the violations  
23 that are listed in the letter.

24 MS. MCLEARY: Mr. Chairman, that insurance  
25 policy is in Mr. Rogillio's file that I would like to, at

1 this point, label as Exhibit A and introduce and offer  
2 into evidence in globo.

3 MR. GURVICH: Okay. Do y'all have an objection  
4 to entering your insurance policy into the record?

5 MR. WILLIAMS: No.

6 MR. GURVICH: Is it valid, or, I mean, we  
7 acknowledge that's the file and forth.

8 MS. MICHAEL: No. We're fine.

9 MS. MCLEARY: And we can show you a copy if you  
10 want to see. It's just the policy that we had.

11 MR. GURVICH: Do you wish to review it?

12 MS. MICHAEL: No. We're fine.

13 MR. GURVICH: Okay. Then let it be accepted.

14 (Exhibit A marked.)

15 MR. ROGILLIO: If I can elaborate a little bit,  
16 I have met with Mr. Williams and the young lady with him  
17 on a couple of occasions after this occurred. And  
18 Mr. Williams indicated he thought that he had purchased  
19 insurance that covered that situation, because that's  
20 basically what kind of work he would do.

21 And since that time, I think, he has been in some  
22 controversy with the insurance company over this issue.  
23 But at that point, the policy did not allow, or excluded,  
24 rather, bars and lounges or alcoholic outlets.

25 BY MS. MCLEARY:

1 Q. Mr. Rogillio, when you received this complaint, did  
2 you -- what did you do to investigate it?

3 A. Well, when I got the call from the deputy from  
4 St. John and explained to him that they could work, I  
5 began to look at the insurance policy and then began to  
6 look at the files of Mr. Williams and/or Mr. Zeno.

7 Q. And were Mr. Williams and Mr. Zeno the ones working  
8 the night that the deputies observed them and what they  
9 based the complaint on?

10 A. Yes, ma'am.

11 Q. And what did you find in the file on Mr. Kerrick  
12 Zeno?

13 A. Okay. Mr. Zeno was not properly trained with a  
14 firearm in violation of the regulations. Mr. Williams  
15 did fail to renew his registration card. It had expired.

16 Q. Was Mr. Zeno previously registered?

17 A. No. He was not registered either.

18 Q. Mr. Williams was, however, previously registered,  
19 but had failed to renew; it had expired?

20 A. Yes, ma'am.

21 Q. And, additionally, was Mr. Williams -- retract that.

22 EXAMINATION OF MR. ROGILLIO BY MR. GURVICH:

23 Q. Chief, was it you all's findings that Kerrick Zeno  
24 worked a post while --

25 A. He was working that particular night with

1 Mr. Williams at the bar.

2 Q. Oh, okay. I've got it. So he wasn't working a  
3 post?

4 A. Yes, sir. And, again, the deputies are here to  
5 testify if need be.

6 EXAMINATION OF MR. ROGILLIO BY MS. MCLEARY (CONT'D):

7 Q. Did they relate to you that they also observed  
8 Mr. Williams working in a security capacity that night  
9 also?

10 A. Yes, ma'am.

11 Q. And what was he doing, according to them?

12 A. Well, it's my understanding that the deputies had  
13 been called to quell a disturbance or a crowd that had  
14 gathered. And Mr. Williams came out, and the deputies  
15 recognized he and Mr. Zeno as being security personnel.  
16 And that brought about the question to me as to whether  
17 or not they were allowed to do that.

18 Q. Did they observe either of them armed that night?

19 A. Yes, ma'am.

20 Q. Which one?

21 A. I'd rather let them testify.

22 MS. MCLEARY: Okay. nothing further for  
23 Mr. Rogillio --

24 BY MS. MCLEARY:

25 Q. -- or, Mr. Rogillio, did you issue that Charge

1 Letter to Williams Security?

2 A. Yes, ma'am. I served it myself.

3 MR. GURVICH: So you are finished with Chief  
4 Rogillio?

5 MS. MCLEARY: Yes, sir.

6 MR. GURVICH: Now, Mr. Williams, you have the  
7 right to cross-examine Chief Rogillio, who has just  
8 testified, if you care to do so.

9 MR. WILLIAMS: Well, yes.

10 MR. GURVICH: Why don't you get that mic a  
11 little closer, please. Is it on?

12 MR. ROGILLIO: The button should be up.

13 MR. WILLIAMS: Technically, on that night, I  
14 actually didn't work the post, but I went out every --  
15 after each detail, my employee guards, I goes out.  
16 I been -- as a matter of fact, that night, I was the one  
17 that called the sheriff's office, because once the detail  
18 is over, there be a crowd.

19 MR. GURVICH: My point is this, and you'll have  
20 an opportunity to speak your piece, but did you have any  
21 questions for Chief Rogillio?

22 MR. WILLIAMS: No.

23 MR. GURVICH: Are you sure? because you  
24 certainly have the right to cross-examine him.

25 MR. WILLIAMS: Yeah, but, I mean --

1 MR. GURVICH: But don't -- in other words, you  
2 are going to be able to speak to the board, but we're  
3 going to get to that.

4 MR. WILLIAMS: Kerrick Zeno was trained, but as  
5 far as my human resource person can explain that  
6 situation with that.

7 MR. GURVICH: Okay. And she will get an  
8 opportunity to do that. Okay. who is your next  
9 witness?

10 MS. MCLEARY: Okay. The deputies. I don't  
11 know what their names.

12 MR. GURVICH: We have deputies here to testify?

13 MS. MCLEARY: Deputies from St. John Parish, if  
14 you could, step forward and be sworn.

15 MR. GURVICH: Have a seat up here. If you  
16 could, have this gentleman identify himself.

17 MS. MCLEARY: Okay.

18 EXAMINATION OF DEPUTY TRAMMEL BY MS. MCLEARY:

19 Q. If you could, state your name for us.

20 A. Patrick Trammel.

21 Q. And what's your occupation, sir?

22 A. Deputy sheriff of St. John Parish.

23 Q. Did you receive a call for service that you  
24 responded to at the Hot Spot Bar on April 5th, 2012?

25 A. Yes, ma'am. Sure did.

1 Q. And did you respond there alone, or were you with  
2 someone else?

3 A. No, ma'am. I was with Deputy Cox, Anthony Cox.

4 Q. Okay. and what was this call for service?

5 A. A disturbance to help clear a parking lot.

6 Apparently, there was a fight going on. But when we got  
7 there, it had apparently dispersed, and everybody was  
8 leaving the parking lot when we arrived.

9 Q. What else did you observe when you arrived at the  
10 bar?

11 A. We stayed around to make sure everybody -- everybody  
12 was vacating the parking lot. And I observed a black  
13 male come out of the bar wearing a tactical vest and a  
14 firearm.

15 Q. What did you do at that point?

16 A. I called him over to me, told him don't touch his  
17 weapon, asked him who he was, what he was doing. He  
18 stated he was Mervin Williams and that he was working  
19 security for the bar. And then, at that time, a second  
20 subject come out, wearing another -- same exact thing,  
21 except he didn't have a tactical vest, but he had a  
22 firearm.

23 MR. GURVICH: Let me interject, please. Do you  
24 see Mr. Williams in the hearing room?

25 DEPUTY TRAMMEL: Yes, sir. He is in the white

1 shirt.

2 MR. GURVICH: Okay. Let the record reflect that  
3 the deputy has pointed to Mr. Williams.

4 A. And at that time, I asked him if he had any  
5 credentials. And he pulled out a temporary blue card,  
6 just a blue piece of paper that had expired in 2009 or  
7 2010. One, one of them expired in 2009, and the other  
8 one had one expire in 2010.

9 BY MS. MCLEARY:

10 Q. You are saying "the other one." The other  
11 individual?

12 A. Yes. Both of them had the blue pieces of paper.

13 Q. Did they present anything else to you as far as  
14 training or weapons permits or anything like that?

15 A. No. Just their Louisiana IDs.

16 MS. MCLEARY: I believe that's all I have.  
17 Thank you. I'm done with this witness.

18 MR. GURVICH: Okay. Mr. Williams, you have the  
19 opportunity to cross-examine, that is, to ask questions  
20 of this deputy if you so choose.

21 MR. WILLIAMS: Officer -- what's the name?

22 MS. MCLEARY: Officer Trammel, Mr. Trammel.

23 EXAMINATION OF DEPUTY TRAMMEL BY MR. WILLIAMS:

24 Q. Officer Trammel, in the process of you asking me for  
25 credentials, I didn't present you with my concealed



1 | weapons permit, also along with that blue badge.

2 | A. No, sir, you did not. You presented me with a  
3 | Louisiana ID and a blue piece of paper that said you were  
4 | unarmed and you were carrying an automatic 9mm firearm on  
5 | your side.

6 | MR. GURVICH: Any further questions for Deputy  
7 | Trammel?

8 | MR. WILLIAMS: No. That will be all.

9 | MR. GURVICH: Okay. Thank you, deputy.  
10 | You have one more gentleman here?

11 | MS. MCLEARY: Yes, sir.

12 | MR. GURVICH: Okay. If you would, take the mic  
13 | and give this nice lady your name and occupation.

14 | DEPUTY COX: My name is Deputy Cox with  
15 | St. John's Sheriff's Office.

16 | EXAMINATION OF DEPUTY COX BY MS. MCLEARY:

17 | Q. Did you have an opportunity or an occasion to  
18 | respond to a call for service at a Hot Spot Bar on April  
19 | 5th, 2010?

20 | A. Yes, I did.

21 | Q. Did you respond with Officer Trammel?

22 | A. I did.

23 | Q. And what did you observe when you -- what was that  
24 | call for service?

25 | A. Call for service was, like Deputy Trammel said, was

1 for a disturbance, as in assisting with clearing of the  
2 parking lot. When we got there, as Deputy Trammel  
3 previously stated, this black male subject came out of  
4 the bar, tactical vest, weapon at his side. We then  
5 began to ask for credentials and so forth in our  
6 immediate investigation.

7 And at that time, a second male subject, who advised  
8 he was also security, came up and presented expired  
9 credentials, being a state temporary ID card.

10 Q. The first black male subject you said approached you  
11 with a tactical vest, is he present in the room today?

12 A. Yes, he is.

13 Q. And is that?

14 A. It's Mr. Williams.

15 MR. GURVICH: Okay. Let the record reflect that  
16 the deputy has pointed to Mr. Williams.

17 BY MS. MCLEARY:

18 Q. Do you remember who the second male represented  
19 himself to be?

20 A. I don't remember his name. I do remember hearing  
21 his -- Mr. Zeno. I couldn't recall his full name.

22 Q. And is he present today?

23 A. No. I don't see him.

24 Q. Okay. Did you -- did you make any inquiry or  
25 referral of this matter after that night?

1 A. I did not.

2 Q. You did not. Were are you aware that one was made?

3 A. Yes.

4 Q. By whom?

5 A. Deputy Trammel.

6 Q. To whom?

7 A. I don't recall who he called, but he did say that he  
8 was going to call the examiner's board.

9 Q. Was Mr. Williams -- you said he represented he was  
10 wearing a tactical vest?

11 A. A tactical vest, yes.

12 Q. Did he have any other kind of uniform or clothing  
13 that was recognizable to you?

14 A. Not anything that said "security," other than a  
15 tactical vest which just had a label on it saying  
16 "security."

17 MS. MCLEARY: Okay. Nothing further.

18 MR. GURVICH: Okay. Well, Mr. Williams, again,  
19 you have the right to ask questions of Deputy Cox.

20 MR. WILLIAMS: I have none for him.

21 MR. GURVICH: Okay. Thank you, sir. Any  
22 further witnesses?

23 MS. MCLEARY: No, sir.

24 MR. GURVICH: Okay. So you have concluded the  
25 board's case?

1 MS. MCLEARY: Yes, sir.

2 MR. GURVICH: All right. Now, Mr. Williams, you  
3 have the opportunity to present your case, as it were.  
4 You can call witnesses. I guess we are at the point now  
5 where you can also speak your piece, your personal  
6 testimony, and the board can also ask you questions as  
7 can counsel. But do you have any witnesses?

8 MR. WILLIAMS: Ms. Michael going to speak.

9 MR. GURVICH: Let me ask this: Is she a fact  
10 witness of the events at the bar?

11 MR. WILLIAMS: She is the human resource. She  
12 do all the register with all the guards that come  
13 through.

14 MR. GURVICH: All right. Now, was she at the  
15 bar that night?

16 MR. WILLIAMS: She wasn't at the bar at that  
17 time.

18 MR. GURVICH: So she is not a witness who can  
19 testify to a fact. But she does work in your office?

20 MR. WILLIAMS: I'm sorry?

21 MR. GURVICH: And she does work in your office?

22 MR. WILLIAMS: Yes, she does.

23 MR. GURVICH: In what capacity does she work in  
24 your office?

25 MR. WILLIAMS: She's executive human resource.

1 MR. GURVICH: All right. And you wish to  
2 present her as a witness?

3 MR. WILLIAMS: Yes, I do.

4 MR. GURVICH: Okay. Then you can call her to  
5 the stand, as it were, which we will consider you have  
6 done, and you can ask her questions. Okay.

7 EXAMINATION OF MS. MICHAEL BY MR. WILLIAMS:

8 Q. So, Ms. Michael, on the night of that incident, on  
9 Kerrick Zeno, as his card, was he registered with  
10 Williams Security as an employee?

11 A. Kerrick Zeno was registered with Williams Security  
12 as an employee. He got his training done through Preston  
13 Jones. I could tell you that, that night that  
14 Mr. Williams actually called me on the phone when all the  
15 incident was going on out there and told me step by step  
16 of actually what happened. I know that he presented them  
17 with a concealed weapons card when he was out there with  
18 them, because I was on the phone talking to him.

19 I know Kerrick Zeno had a blue card. Mr. Zeno was  
20 going through some grievances within his family and  
21 mistakenly grabbed the wrong card. When we came in and  
22 we spoke to Mr. Wayne, we found out that they didn't --  
23 hadn't received any materials on Mr. Zeno.

24 But there were several problems with things coming  
25 from some of our other security officers, mistake of

1 paperwork that they weren't receiving that we had mailed  
2 out. We found a better way to get it fixed.

3 But Mr. Zeno was registered with our company. We  
4 did send the blue paperwork out over here. He was  
5 trained by Preston Jones. And that's all I can say.

6 MR. GURVICH: Do we have any paperwork on  
7 Mr. Zeno's training?

8 MR. ROGILLIO: We didn't have it at the time of  
9 this.

10 MR. GURVICH: We do now?

11 MR. ROGILLIO: Well, the problem as I understand  
12 it in speaking with these folks, that they were relying  
13 on the instructor to send it in.

14 MS. MICHAEL: Right.

15 MR. ROGILLIO: The regulations indicate that  
16 it's the company's responsibility, not the instructor.

17 MR. GURVICH: Well, I understand that. The  
18 question I have and the point I'm getting to is, it's  
19 certainly relevant whether he was properly registered.  
20 But it seems even more crucial to me to know whether he  
21 had received his firearms training before he assumed the  
22 post.

23 MR. ROGILLIO: As of the time of this, we had  
24 nothing indicating that.

25 MR. GURVICH: Do we have documentation here

1 today that you can present to show that he was trained as  
2 of -- what's the date of this incident?

3 MS. MCLEARY: April 5th, 2012.

4 MR. GURVICH: That he had received his firearms  
5 before he assumed the post, can y'all show that today?

6 MS. MICHAEL: I have firearm training, but the  
7 one I grabbed was the wrong one. It was for 2010, in  
8 September, for Mr. Zeno. I don't have the one for 2011.  
9 I grabbed the wrong paperwork. But, yes, he have had  
10 firearm training. You can get Mr. Jones on the phone for  
11 that.

12 MS. VINSON: Do we have a copy of it here?

13 MS. MCLEARY: No. It was not presented to me.

14 MS. RYLAND: We're going to go check.

15 MR. GURVICH: Okay. Well, the board is going to  
16 go check on that point. Okay. All right. Mr. Williams,  
17 this is still your witness. Did you want to ask her any  
18 further questions?

19 MR. WILLIAMS: No. I'm done.

20 MR. GURVICH: All right. Now, this testimony  
21 has been about Mr. Zeno. Is there anything regarding the  
22 other alleged violations that you want to question this  
23 witness about?

24 MR. WILLIAMS: Yes. I did, on Mr. Trippet  
25 (sic), a comment. I did present him with my concealed

1 | weapons permit before, because I couldn't even find a  
2 | blue card at the time. But this was my concealed permit  
3 | I had present him with.

4 | MR. GURVICH: Right. But we don't issue the  
5 | concealed weapons permit. And it's not part of our  
6 | regulatory authority.

7 | MR. WILLIAMS: Right.

8 | MR. GURVICH: It falls outside. It's good that  
9 | you have it, but it's not something that we're directly  
10 | concerned with today. Okay. Are you finished with your  
11 | witness?

12 | MR. WILLIAMS: Yes.

13 | MR. GURVICH: Counsel, do you want to cross-  
14 | examine?

15 | MS. MCLEARY: I do.

16 | CROSS-EXAMINATION OF MS. MICHAEL BY MS. MCLEARY:

17 | Q. I forgot your last name, ma'am. I'm sorry.

18 | A. Michael.

19 | Q. Michael. You had indicated that he is registered as  
20 | an employee of the company, but was he registered with  
21 | the board?

22 | A. Just like I said, we sent the paperwork in for  
23 | Mr. Zeno. And we came and we spoke with Mr. Wayne in  
24 | like the middle of May, because we actually got that  
25 | letter, this letter, of these fines handed to us here.



1 It wasn't mailed to our office. We got it handed to us  
2 here, and Mervin signed a piece of paper.

3 And when he talked to us about Mr. Zeno, I told him  
4 that all the paperwork was mailed in for Mr. Zeno. There  
5 were several other people that I have sent an e-mail to  
6 Ms. Ryland regarding paperwork that was mailed in here  
7 that this office evidently did not receive. Okay?

8 She told me to start making copies of it where they  
9 can stamp it and showing that it is received, and that  
10 way I know they have received it, because I make copies  
11 of everything that I mail out.

12 Q. Do you have a copy of what was mailed out  
13 registering Mr. Zeno with the board?

14 A. No. I didn't bring that. I thought my whole thing  
15 with this morning was over the insurance thing and not  
16 this part of what happened on with the club. But I can  
17 provide that.

18 Q. Okay. Do you have a copy of what you sent  
19 reflecting Mr. Zeno's firearms training?

20 A. I have something from 2010 with his firearms  
21 training.

22 Q. But not the 2011?

23 A. But not the 2011, no.

24 MS. MCLEARY: Okay. And, Mr. Gurvich, your  
25 question to Mr. Rogillio was about whether or not the

1 board had received current training. And I believe  
2 Mr. Rogillio has that now.

3 MR. ROGILLIO: Yes. The last refresher,  
4 firearms training, that we have was 1/14/2010.

5 MR. GURVICH: So that would have just expired a  
6 few months before this incident -- well, actually, '11.

7 MR. ROGILLIO: It expired in '11.

8 MS. VINSON: In January of '11.

9 EXAMINATION OF MS. MICHAEL BY MR. GURVICH:

10 Q. Ms. Michael, is it your testimony that he has  
11 received firearms training in 2011 or 2012?

12 A. He have received firearms training, not in 2012 yet,  
13 Mr. Zeno hasn't. He was going -- like I said, he just  
14 lost his mother, but he had received it in 2010 and 2011.

15 Q. But we don't have any documentation or testimony to  
16 prove that.

17 A. Like I said, I sent it in. I know it's not you  
18 guys' responsibility for the mail. This is something  
19 that I have actually discussed with them. I did mail  
20 it. There are several people that we discussed that they  
21 haven't received things on. That's all I can say. I  
22 mean, it was mailed.

23 MR. GURVICH: Well, I mean, we can certainly ask  
24 the instructor to fax in the document, could we not?

25 MR. ROGILLIO: We don't take faxes. It has to

1 be an original.

2 MR. GURVICH: Well, for the purposes of  
3 testimony today, maybe we could make an exception. I'm  
4 just trying to get this done. Could you all take -- one  
5 of you, perhaps, Ms. Michael, if we conclude your  
6 testimony, you could ask the instructor to fax the  
7 document here?

8 MS. MICHAEL: For Kerrick, yeah, for Kerrick.

9 MR. GURVICH: For evidentiary purposes today, I  
10 think we could accept a fax.

11 MS. MCLEARY: I just have a couple more  
12 questions of her, and then we can do that.

13 MR. GURVICH: Sure. Go right ahead.

14 CROSS-EXAMINATION OF MS. MICHAEL BY MS. MCLEARY (CONT'D):

15 Q. Ms. Michael, did you send in a registration renewal  
16 on Mr. Mervin Williams?

17 A. That's the green paperwork?

18 Q. Yes, ma'am.

19 A. No. I didn't send that in.

20 Q. Okay. So at the time period April 5th, 2012,  
21 Mr. Williams wasn't actually registered as a guard,  
22 right?

23 A. I always thought Mr. Williams was registered as a  
24 guard. We are new into this, so some of the stuff, if I  
25 had had questions on things, I would ask questions. I

1 always thought that he was registered as a guard. I  
2 called and I asked them. Well, she told me that she had  
3 sent a card to him, a armed guard card, because the last  
4 time we met with Mr. Wayne, they were saying he wasn't  
5 trained with his firearm.

6 I went to Preston, and we bought the copy of  
7 the firearms training that they said he wasn't trained to  
8 hold a firearm, the 9mm. Okay? At that point in time, I  
9 did not know. I always thought Mr. Williams as a  
10 qualifying agent remained as a armed guard. I didn't  
11 know he needed the green paperwork until I was advised  
12 that he did. Now that I know that, that's a mistake that  
13 I won't make again.

14 Q. Okay. And one of the violations wasn't that he  
15 wasn't trained, just to clarify.

16 A. Okay.

17 Q. It was just the registration.

18 MR. GURVICH: Any further questions for  
19 Ms. Michael?

20 MS. MCLEARY: No, sir.

21 MR. GURVICH: Okay. Just as a suggestion -- you  
22 don't have to do this -- but perhaps one of our board  
23 staff could escort Ms. Michael to a telephone and a fax  
24 machine, we could attempt to get that document from the  
25 instructor.

1           Mr. Williams, you don't have any further questions  
2 of Ms. Michael?

3           MR. WILLIAMS: No, I don't.

4           MR. GURVICH: She can certainly come back as  
5 soon as -- I just wanted to see if we can find this  
6 document.

7           MR. WILLIAMS: Okay.

8           MS. MCLEARY: And, actually, I have a couple  
9 questions. I don't think I had concluded with  
10 Mr. Williams.

11          MR. GURVICH: Right. I hadn't forgotten.

12          MS. MCLEARY: Okay.

13          MR. GURVICH: Okay. Mr. Williams, now, has he  
14 testified? Sometimes it's hard to know. He has  
15 commented a lot.

16          MS. MCLEARY: He has. I don't know if you  
17 consider that questioning himself. I'm not exactly sure.

18          MR. GURVICH: Well, we're pretty -- you know, we  
19 try to -- this is an administrative hearing, not a  
20 courtroom.

21          Mr. Williams, is there anything further you wish to  
22 say by way of addressing the board on these infractions?  
23 I just want to make sure that you have had every  
24 opportunity to speak your piece.

25          MR. WILLIAMS: Yes. As far as the insurance, as

1 far as the endorsement on the insurance part on there  
2 toward the board, I mean, like I say, I wasn't aware that  
3 those exclusions was in there. As a matter of fact, I  
4 found out about those exclusions the day I got the letter  
5 from the state board. And what it was, was, if I would  
6 have knew that we wasn't supposed to be working, of  
7 course, I would have never put my guys out there.

8 EXAMINATION OF MR. WILLIAMS BY MR. GURVICH:

9 Q. Well, were you aware that you did not have coverage  
10 for bars and ABC?

11 A. No, I wasn't. No, I wasn't.

12 Q. Is it in fact the case you didn't have coverage?

13 A. No. I thought we was -- when we did the original  
14 policy with the insurance company, that's what we  
15 specified on the application what we do. They came back  
16 with the policy. Until I got the letter from Mr. Wayne  
17 that that was excluded on there, I didn't know. We  
18 wasn't aware. Three years of that policy, I wasn't aware  
19 that we wasn't supposed to work the nightclub.

20 MR. GURVICH: All right. Anything further?

21 MR. WILLIAMS: No. That be all.

22 MR. GURVICH: Okay. Now the board's attorney  
23 can cross-examine you as you have had an opportunity to  
24 cross-examine the board's witness.

25 EXAMINATION OF MR. WILLIAMS BY MS. MCLEARY:

1 Q. I just have a couple of quick questions for you,  
2 Mr. Williams, just to kind of follow up with some of the  
3 things that you had brought up. One of those is, you  
4 said you had brought out your concealed weapons permit  
5 card issued by the state police. Are you aware that you  
6 actually can't carry a gun in a bar if you have that  
7 card?

8 A. Yes. It wasn't my intention to go in the bar. But,  
9 I mean, I normally, when I check on my guys working a  
10 post, I kind of like put my duty belt on and stuff, I  
11 mean, to go out there. I mean, there have been threats.  
12 I mean, but I put -- something I do for the security  
13 purpose, I put on my duty belt to go out there.

14 Actually, I be the one that called the sheriff's  
15 office to -- the event would be over. I'd be the one to  
16 call the sheriff's office to get someone to clear the  
17 parking lot because they would be louning (phonetic)  
18 around.

19 Q. Okay. Did you send in a registration renewal card  
20 for yourself to the board?

21 A. Well, that was her job. I didn't send it in.

22 Q. So you didn't send one in?

23 A. No. That was her job. I assumed that she -- she  
24 was supposed to do it, renew, I mean. Actually, I don't  
25 normally work as many posts, but I register myself just

1 in case some of my guys don't -- I couldn't get nobody to  
2 work a post. That's the reason why I register myself.

3 Q. You said, when you go out, you throw on your duty  
4 belt. That night of April 5th at the Hot Shot Bar, what  
5 were you wearing that night?

6 A. I had my tactical vest on.

7 Q. And, what, did it have anything on it, or was it  
8 just black?

9 A. No. It just was pocket. I had my belt.

10 Q. Did you have anything on you that said "security"?

11 A. No, I didn't have.

12 Q. Did you have a uniform on?

13 A. No. I had, just had my shirt. Well, I had the  
14 shirt on. It had my logo on it, but it was under the  
15 vest.

16 MS. MCLEARY: Okay. Thank you.

17 COURT REPORTER: It was under the what, the  
18 vest?

19 MR. GURVICH: Were we able to make any headway  
20 with that --

21 MS. MCLEARY: Under the vest.

22 MR. WILLIAMS: It was under the vest.

23 MR. GURVICH: No. I mean the training  
24 certificate that Ms. Michael was going to try to secure  
25 for us.



1 MS. MICHAEL: He said he was going to be away  
2 from his office for 45 minutes, so he won't be able to do  
3 it right now.

4 MR. GURVICH: All right. Okay. Mr. Williams,  
5 any other witnesses you wish to call?

6 MR. WILLIAMS: No.

7 MR. GURVICH: Did we miss anything you wanted to  
8 say?

9 MR. WILLIAMS: That will be all.

10 MR. GURVICH: Allison?

11 MS. MCLEARY: Nothing further, sir.

12 MR. GURVICH: Concluding?

13 MS. MCLEARY: Yes, sir.

14 MR. GURVICH: Okay. That insurance policy,  
15 we've got to get our file in order here. It's entered  
16 into the record in globo, all that sort of thing?

17 MS. MCLEARY: Yes, sir. I believe I have.

18 MR. GURVICH: Can we take a quick look at that.  
19 Does it clearly exclude?

20 MS. MCLEARY: Yes, sir.

21 MR. GURVICH: I want to make sure that ABO is --

22 MR. WILLIAMS: Excuse me, Mr. Chairman.

23 MR. GURVICH: Mr. Williams.

24 MR. WILLIAMS: You guys, on that packet that we  
25 presented you guys, do they have that letter from the

1 insurance company?

2 MR. GURVICH: Well, we have a letter from you  
3 dated June 27th. We have a Gulf South Insurance Agency  
4 letter dated May 24th, which, at this time, I think it's  
5 appropriate for the board members to review these  
6 documents.

7 MS. MICHAEL: Excuse me. Can I say something,  
8 sir?

9 MR. GURVICH: Yes, ma'am.

10 MS. MICHAEL: The insurance company, through  
11 this whole process for the last three years that we have  
12 had our license, we was under the impression that that  
13 exclusion was not even -- that we could work nightclubs.  
14 We just found out, once again, when this came to face,  
15 that we couldn't work nightclubs. The insurance company  
16 themselves was not even aware that that exclusion was in  
17 the policy. So that's why we are going through a legal  
18 process with them, because they're not -- they wasn't  
19 aware that that was even a problem. And that's why the  
20 two letters came from the insurance company.

21 MR. GURVICH: All right. Okay. Well, I'm  
22 looking at the First Mercury Syndicate Exclusion of  
23 Specific Work. I think it's First American Insurance  
24 Company.

25 MS. MICHAEL: First Funding.

1           MR. GURVICH: Okay. First Funding. Relative to  
2 exclusions, and there is in fact an exclusion for  
3 establishments or premises at which alcoholic beverages  
4 are served, sold, consumed, or dispensed. So I don't  
5 think there is any question of the fact that there was no  
6 coverage for this sort of thing, which is a very serious  
7 matter. If something were to have happened, the public  
8 would have been unprotected.

9           Have we concluded? Do we have any --

10           MS. MCLEARY: Nothing further, sir.

11           MR. GURVICH: Any further testimony, comments,  
12 or questions? Ms. Vinson.

13           MS. VINSON: I'd like to make a motion if the  
14 timing is appropriate.

15           MR. GURVICH: The floor is open.

16           MS. VINSON: Can I take the Charge Letter by  
17 item number for that fine?

18           MR. GURVICH: Absolutely.

19           MS. VINSON: On the board's Charge Letter, I'd  
20 like to, Item No. 1, assess a fine of \$500;

21           Item 2, of \$50;

22           Item 3, \$250;

23           Item 4, of \$50;

24           and Item 5, \$250, plus admin fees, and one year  
25 probation with an audit.

1 MR. GURVICH: I'll second the motion. Debate?  
2 Discussion? Final words? Final thoughts? Mr. Williams,  
3 everything you need to say, you've said?

4 What's the totals that we're looking at?

5 MS. MCLEARY: Did you do a \$125 administrative  
6 fees?

7 MS. VINSON: Yes. I added the fees.

8 MS. MCLEARY: 1225?

9 MR. GURVICH: \$1225 total fines, costs, and  
10 fees.

11 MS. MCLEARY: Thirty days, standard, sir.

12 MR. GURVICH: Thirty days for payment, and I do  
13 believe that Ms. Vinson is specific about your license  
14 would be placed on a one-year probation, during which  
15 period there would be at least one audit.

16 Debate? Discussion? There being none, I'll call  
17 for a vote. All in favor say aye.

18 ALL BOARD MEMBERS: Aye.

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

21 Sir, you all have to, if you're going to work in  
22 bars and places like that, you're going to have to find  
23 insurance to cover it. I'm not sure you can find  
24 insurance to cover it. But this is a very serious matter  
25 from an insurance angle. Y'all had some training,

1 obviously, to get a concealed carry, but this is a pretty  
2 egregious thing and the fines could have been  
3 substantially high. Thank you for appearing today.  
4 Please get all this straightened out.

5 Mr. Romero.

6 MR. ROMERO: Mr. Rogillio, I know that the  
7 renewal is up in June of this year. Have we received a  
8 renewal?

9 MR. ROGILLIO: For him?

10 MR. ROMERO: Yes.

11 MR. ROGILLIO: Individually?

12 MR. ROMERO: For the company.

13 MR. ROGILLIO: For the company? Let me see.

14 MR. ROMERO: I think it's June, possibly June  
15 13th of this month.

16 MS. RYLAND: Do you have anything for Williams?

17 MS. MIDDLETON: It's in here in the folder if I  
18 do. It's in the folder.

19 MS. RYLAND: No.

20 MS. MICHAEL: Excuse me.

21 MS. RYLAND: No. We don't have anything on him.

22 MS. VINSON: Y'all might want to speak with Jane  
23 when you are leaving, because the board actually offers a  
24 training class that they hold here to go over all the  
25 paperwork and time lines to assist with y'all getting

1 that in. So you can ask questions. And it does help a  
2 lot of companies.

3 MR. GURVICH: Mr. Romero had a comment or a  
4 question?

5 MR. ROMERO: Mr. Williams, are you currently  
6 operating this business and still providing services?

7 MR. WILLIAMS: No, I'm not -- I'm still in  
8 business, but I'm not doing any work. I have been put on  
9 hold. I don't have nobody working until after the board  
10 meeting, since that night.

11 MR. ROMERO: You do understand, without  
12 insurance, you can't cannot operate. At this point we  
13 don't have your policy on file.

14 MR. WILLIAMS: Right.

15 MS. MICHAEL: We are going through a legal  
16 situation with Gulf South. This is why they wrote the  
17 letters to you guys, to try to help to explain the  
18 situation with the insurance. We were, like I said,  
19 under the impression that we did have the insurance for  
20 the nightclubs. Mr. Williams' focus isn't nightclubs.  
21 You know, this was something like he would do if there  
22 wasn't no work.

23 Gulf South just realized that this exclusion was in  
24 there. All this time, for the last three years, they  
25 didn't know that this exclusion was not in this paperwork

1 or was not in this policy. So it's not like we just  
2 overlooked and was out there working something that we  
3 felt that we just was going to do illegally. That's not  
4 even how our thought pattern was. All this, when he took  
5 that post, he thought, he was under the impression that  
6 this insurance was there, that he had the coverage.

7 Also, we have been dealing with them since May 19th,  
8 even before the renewal date. They just recently told us  
9 that we can't even do this, write these top of policies.  
10 We are not licensed to really write this type of policy.  
11 So that sent us out somewhere else to look for someone  
12 else to write the policy. So it's not that we don't know  
13 the avenues or the routes of which way to go. They just  
14 told us that they couldn't do this. And I did call  
15 Mr. Wayne on the phone and let them know that this is  
16 what I was actually told by them just recently, that they  
17 couldn't even write these policies. They're used to  
18 writing contractors' policies for truck drivers.

19 MS. VINSON: It's also your responsibility to  
20 know what's in your policy.

21 MS. MICHAEL: Yeah. We know that. We know that  
22 now. Yeah.

23 MR. GURVICH: Well, thank you for being here  
24 today.

25 MS. RYLAND: Right now they have no insurance.

1 MR. GURVICH: Well, if they are not working --  
2 well, no one is working either, though, so they are not  
3 in violation, with nobody in the field.

4 MS. MICHAEL: No. No one is working.

5 MR. GURVICH: There is no one working for you in  
6 the field right now --

7 MR. WILLIAMS: Nobody's working.

8 MR. GURVICH: -- standing a post or anything  
9 like that?

10 MR. ROGILLIO: If you have a license, you have  
11 to have insurance, regardless of whether you've got  
12 anybody working or not.

13 MS. RYLAND: And it's been out since the 13th of  
14 June.

15 MR. ROGILLIO: So we have another issue there.

16 MR. GURVICH: Well, but that's something that  
17 you guys can deal with.

18 MS. RYLAND: Okay. We'll issue a Cease and  
19 Desist, then.

20 MR. GURVICH: That's something y'all can deal  
21 with as you feel necessary. Right now they have a  
22 license today that's on a probationary status. But y'all  
23 need to find some sort of insurance, or the board staff  
24 is well within their authority to --

25 MR. WILLIAMS: Well, we will have that in about



1 two days. I've got an agent working on it.

2 MR. BAER: You have employees. You have one,  
3 yourself.

4 MR. WILLIAMS: Uh-huh.

5 MR. GURVICH: Which he is not working is my  
6 understanding.

7 MR. WILLIAMS: No.

8 MS. RYLAND: But he still has to have insurance  
9 so he can hold a valid license, so his license is  
10 invalid.

11 MR. GURVICH: Yes. And we'll leave that to you  
12 guys to handle.

13 Thank you for being here today.

14 Y'all have, I think, F.E.S.S. Security. There's a  
15 couple others. Did we talk about Jose Camacho Security?

16 MR. ROGILLIO: No. We can go ahead and take it.  
17 I don't think he is here.

18 MS. MCLEARY: He's not here.

19 **JOSE CAMACHO**

20 MR. GURVICH: Okay. Let's sound the hall  
21 for Jose Camacho. This is a license denial?

22 (Mr. Thornton leaves room.)

23 MS. MCLEARY: Yes, sir.

24 MR. ROGILLIO: Guard registration denial.

25 MR. GURVICH: Y'all, administrative action has

1 taken place on that?

2 MR. ROGILLIO: He requested a hearing, an  
3 appeal.

4 MR. GURVICH: All right. You've got your  
5 notice; he was properly noticed about the hearing and so  
6 forth?

7 MR. ROGILLIO: Yes, sir.

8 MR. GURVICH: Okay. Why don't you get your file  
9 in order, and we will -- this is a first impression?

10 MR. ROGILLIO: Yes, sir.

11 MR. GURVICH: Okay.

12 (Mr. Thornton reenters room.)

13 MR. THORNTON: No one is present.

14 MR. GURVICH: Allison, have you got the record?

15 MS. MCLEARY: Yes, sir.

16 MR. GURVICH: Okay. Then I'll make a motion to  
17 revoke forthwith the security officer license of Jose  
18 Camacho a/k/a Jose Camacho.

19 MS. MCLEARY: I believe one was not issued. It  
20 was a denial of the license.

21 MR. GURVICH: To uphold the board staff's  
22 denial. I thought this was a first impression.

23 MS. MCLEARY: No, sir.

24 MR. ROGILLIO: No. It's actually --

25 MR. GURVICH: To uphold the board staff's

1 administrative action.

2 MS. MCLEARY: I introduce and offer into  
3 evidence Mr. Rogillio's file in globo as Exhibit A.  
4 (Exhibit A marked.)

5 MR. GURVICH: Oh, do I have a second to my  
6 motion?

7 MS. MCLEARY: Oh, I'm sorry.

8 MR. ROMERO: Second.

9 MR. GURVICH: Okay. Motion by Mr. Gurvich,  
10 second by Mr. Romero. Further debate/discussion? There  
11 being none, I'll call for a vote. All in favor of the  
12 motion stated say aye.

13 ALL BOARD MEMBERS: Aye.

14 MR. GURVICH: Aye. No opposed? The motion  
15 passes unanimously.

16 Now, did you have Rochelle Flowers?

17 MR. ROGILLIO: She's not here yet. She called  
18 me to tell me that she was coming up from New Orleans and  
19 that she had to catch a city bus. The city bus doesn't  
20 pass out here, so wherever it stops, she is going to have  
21 to walk, she said, from there to here. So we were trying  
22 to hold off as long as possible for her until she gets  
23 here, if she gets here.

24 MR. GURVICH: It's a denial, that you all, the  
25 administrative staff, denied the license?

1 MR. ROGILLIO: Yes, sir. And she asked for a  
2 hearing.

3 MR. GURVICH: Yes. If the lady is going to that  
4 much trouble to be here, I guess we can accommodate.

5 MR. ROGILLIO: I told her we would try to  
6 accommodate her as much as possible.

7 MR. GURVICH: We got Alpha Omega out of the  
8 way?

9 MR. ROGILLIO: Yes, sir. We took care of that.

10 MR. GURVICH: So that leaves us with F.E.S.S.  
11 Security. Are y'all ready for F.E.S.S. Security?

12 MS. MCLEARY: If we can take just a five-minute  
13 break, sir, before we start on F.E.S.S.

14 MR. GURVICH: You know my theory about  
15 discussions. They save a lot of time. Let's take a  
16 five-minute break.

17 (Recess taken.)

18 **ROCHELLE FLOWERS**

19 MR. GURVICH: Are we ready to go back on the  
20 record? Come on up here, Ms. Flowers. Why don't you  
21 find a mic and seat over there and sit down.

22 Counsel.

23 MS. MCLEARY: One second, sir. Just one second,  
24 Mr. Gurvich. I'm sorry. We're ready, Mr. Gurvich.

25 MR. GURVICH: Okay.

1 MS. MCLEARY: Ms. Flowers is here if we could  
2 take up Ms. Flowers.

3 Hi, Ms. Flowers, how are you?

4 MS. FLOWERS: Fine.

5 MS. MCLEARY: I'm glad you made it.

6 MS. FLOWERS: Thank you.

7 MS. MCLEARY: We're here today on a matter of  
8 first impression. It was a -- it's a denial of an  
9 application for a guard license of Ms. Rochelle Flowers.  
10 Mr. Rogillio did notify her of the denial by letter dated  
11 June 19th, 2012. It was served on Ms. Flowers by  
12 certified mail. She did request a hearing. Basically,  
13 the denial. I call Mr. Rogillio.

14 MR. GURVICH: She has applied for and has been  
15 denied a --

16 MS. MCLEARY: Yes, sir.

17 MR. GURVICH: So it's an actually an appeal of  
18 the board staff's action?

19 MS. MCLEARY: Yes, sir.

20 MR. GURVICH: Go ahead. I'm sorry.

21 MS. MCLEARY: If I can call Mr. Rogillio as my  
22 first and only witness in this matter.

23 EXAMINATION OF MR. ROGILLIO BY MS. MCLEARY:

24 Q. Mr. Rogillio, did you have an opportunity to review  
25 an application of Ms. Rochelle Flowers for a guard

1 license?

2 A. Yes, we did. We received back from state police  
3 indication -- well, state police and FBI, indications  
4 that there was a felony conviction which actually  
5 resulted in '97. But there seems to have been a  
6 probation violation along the way. And then that was  
7 reinstated. The probation was reinstated. And all of  
8 this would have ended in '04, which would make the  
9 ten-year cleansing 2014. So that was the reason for the  
10 denial.

11 Q. Did you receive certified doc -- or documents from  
12 Solano County, California, referencing both the initial  
13 1997 conviction as well as the probation violation that  
14 you referenced earlier?

15 A. Yes, ma'am.

16 Q. And these documents reflect that her sentence for  
17 the 1997 felony violation did end when?

18 A. '04.

19 MR. GURVICH: The sentence or the probationary  
20 period?

21 MR. ROGILLIO: The probationary period ended in  
22 '04. There was a probation violation after the original  
23 sentence. Apparently, there was a violation of the  
24 probation, and that apparently caused this.

25 I don't know what the original sentence was, because

1 it doesn't say. But it does say that it was a felony and  
2 that the probation would have ended in '04, which, again,  
3 would have made the ten-year cleansing become 2014 before  
4 it would take effect.

5 BY MS. MCLEARY:

6 Q. Did Ms. Flowers disclose this arrest on her  
7 application?

8 A. Let me see.

9 MR. ROGILLIO: Will you ask Jane to come in  
10 here.

11 MR. THORNTON: Do you need Jane?

12 MR. ROGILLIO: Yes. Ask her to --

13 BY MS. MCLEARY:

14 Q. Well, once we figure that out. Were you --

15 A. Wait. Here it is. What was your question again?

16 Q. Did Ms. Flowers disclose the arrest, the  
17 disqualifying arrest, on her application?

18 A. The question was on the application: "Have you ever  
19 been arrested, charged, or indicted for any criminal  
20 violation?"

21 And she checked, "No."

22 "Have you ever been convicted?"

23 "No."

24 Same thing -- no. I'm sorry. She checked Yes on the  
25 very first application.

1 Q. She had a prior application, Mr. Rogillio?

2 A. Yes.

3 Q. What was the date of that application?

4 A. Date of the hire was 8/20/2011.

5 Q. And did she disclose that in this --

6 A. She disclosed it on that on.

7 MR. GURVICH: What was the board staff's  
8 determination on that application?

9 MR. ROGILLIO: I'm sorry?

10 BY MS. MCLEARY:

11 Q. What was the board staff's determination on the  
12 initial application?

13 A. Well, obviously, she left her employment at that  
14 company.

15 EXAMINATION OF MR. ROGILLIO BY MR. GURVICH:

16 Q. Well, did the staff accept the application, approve  
17 the application?

18 A. Well, no. It indicates on the termination that it  
19 was per the LSBPSE. That's us. So, obviously, we sent  
20 them notice that she did not meet the qualifications.  
21 And then, on the second half, she marked "No" on both of  
22 those.

23 Q. So, the first application, she had marked the  
24 previous conviction; the second one, she did not?

25 A. She did not on the second one, yeah. The first one



1 was with Weiser Security. The second one was with  
2 L & R. No and no.

3 MR. GURVICH: The question I had is, looking at  
4 a letter from the state board dated February 6, 2012, to  
5 Ms. Flowers, it lists on page 2 of the letter --  
6 apparently, is that a series of other convictions or  
7 arrests or what?

8 MS. MCLEARY: She did disclose she had several  
9 other arrests and was able to provide sufficient  
10 dispositions on all of those.

11 MR. GURVICH: Dispositions to the effect that  
12 this was not her or just --

13 MS. MCLEARY: No. Dispositions as to they were  
14 either misdemeanors prior to the time, the cleansing  
15 period applied, things like that. They were not found to  
16 be disqualifying arrests.

17 MR. GURVICH: Well, my question as regards the  
18 ten-year cleansing period, the cleansing period begins on  
19 the date the crime occurred or the date of the completion  
20 of the --

21 MR. ROGILLIO: The completion of sentence.

22 MR. GURVICH: -- of the sentence or the date of  
23 completion of the probation, which is part of the  
24 sentence?

25 MR. ROGILLIO: Right.

1 MS. MCLEARY: Yes, sir.

2 BY MR. GURVICH:

3 Q. So her probation was expected to have terminated?

4 A. '04.

5 Q. In '04. All right. And so we haven't reached the  
6 tenth year?

7 A. Yes, sir.

8 MR. GURVICH: All right. Well, have you  
9 finished your questioning of Mr. Rogillio?

10 MS. MCLEARY: Yes, sir. I'm done.

11 MR. GURVICH: Do you have any other witnesses?

12 MS. MCLEARY: No.

13 MR. GURVICH: Okay. Well, I guess, Ms. Flowers,  
14 you have the right to ask questions, to cross-examine the  
15 board's witness, and you also have the right to present  
16 your case, to say what you want to say.

17 MS. FLOWERS: Okay. I understand what you  
18 said. In the case, I did, I did commit the crime. And I  
19 did do my sentence. And while I was doing my sentence, I  
20 got myself into a program. I did things to bring myself  
21 up, not to take myself backwards.

22 And, since that, I have not committed a crime. I  
23 have been forward, trying -- basically doing it for  
24 myself and my grandkids. And I made a promise to myself,  
25 which that's the first felony I did in my life. I made a

1 big mistake, the biggest mistake of my life. And I have  
2 been turning myself around.

3 And since I came to Louisiana, I have been looking  
4 for -- looking going forward, getting backwards in  
5 California. And I found out being here brings me -- to  
6 keep, to keep my self-esteem to keep going ahead and not  
7 going backward.

8 When I started with L & R Security, when I asked  
9 them that question, they told me if I have been  
10 convicted. And on the conviction, they didn't get me for  
11 the crime. They got me for violation of my probation. I  
12 did 180 days on that, and I had to go to a program, which  
13 I did six months, plus the extra six months. I did work  
14 programs. I did a lot of things in between that to  
15 better myself.

16 And when I came out here, I found out that it was  
17 much better for me not having a lot of pressure from my  
18 family and friends -- I guess you would say peer  
19 pressure -- that I was having in California. But since I  
20 got here, I have been finding myself it's better to be up  
21 than down and going forward.

22 And when I started working with L & R Security in  
23 2011 for the Jazz Fest, I knew this was something I  
24 wanted to do. I was able to find something I wanted to  
25 do to carry myself on with life. And basically --

1           MR. GURVICH: Did you want to ask any questions  
2 of Mr. Rogillio?

3           MS. FLOWERS: And when they -- when I -- my  
4 question to Mr. Wayne is that, when I was been receiving  
5 all the letters here and been speaking to everyone, no  
6 one never told me I was denied. I just found this out  
7 two weeks ago I was denied.

8           I was -- as far as my telling to was, talking to the  
9 office in New Orleans, that I would be reinstated,  
10 rehired as soon as I get my papers in to the state  
11 board. So I didn't know all this was happening until two  
12 weeks ago.

13           I thought I was going back to work on the strength  
14 that everything that I showed them state that I was  
15 clear, I have no warrant, and I did what I was supposed  
16 to do. So as far as I seen it, I thought I was going  
17 back to work. From the understanding I was getting from  
18 Ms. Nicole and Ms. Cindy. I just spoke to you when you  
19 came back from vacation. But Ms. Cindy and Ms. Nicole  
20 told me, that's all I had to do, to get this, for me to  
21 go back to work. And when I spoke to Mr. Wayne, that's  
22 who I found out I was denied. I didn't know all this was  
23 going on and why.

24           MR. ROGILLIO: Mr. Gurvich, in answer to that  
25 denial, we didn't receive her information until June 1st,

1 when we stamped it in. So I actually wouldn't have known  
2 that she was denied until after all of this occurred  
3 because of that date that we received all this.

4 MR. GURVICH: But she was in fact denied?

5 MR. ROGILLIO: Yes, sir. At that point.

6 MR. GURVICH: So this is an administrative  
7 appeal?

8 MR. ROGILLIO: Yes, sir.

9 MR. GURVICH: Okay. Ma'am?

10 MS. FLOWERS: And, yes. Ms. Cindy did send me  
11 the paperwork back in February. When I spoke to her,  
12 because at that time, when I got out here, it got to  
13 where I almost became homeless. But I kept my courage  
14 up, and I found one job working at the Superdome, center  
15 plate (phonetic). And then I found this job here, so I  
16 felt that I was doing something right. And ms. Cindy had  
17 gave me extension to try to get all the paperwork in,  
18 because, like I say, I'm from California and I had no one  
19 to help me with my leg work. So I was doing the best I  
20 can to get everything done. And then, April 27th, I  
21 found out that I can go back to work until I got the  
22 information. No one never told me I was permanent  
23 terminated. I was never told that.

24 MR. GURVICH: All right. Thank you. Anything  
25 further from the board or Ms. Flowers? All right. Any

1 | comments/questions/motions from our board?

2 | MR. KENNEDY: Mr. Chairman.

3 | MR. GURVICH: Mr. Kennedy.

4 | MR. KENNEDY: I make a motion that we uphold the  
5 | board staff's ruling and deny again, based on the  
6 | ten-year period, cleansing period, has not been met yet.

7 | MR. GURVICH: Okay. Do we have a second to  
8 | Mr. Kennedy's motion?

9 | MR. COTTON: Second.

10 | MR. GURVICH: Motion by Mr. Kennedy, second by  
11 | Mr. Cotton. All in favor -- further debate or  
12 | discussion? Allison, anything?

13 | MS. MCLEARY: No, sir.

14 | MR. GURVICH: Ms. Flowers, final thoughts/words?

15 | MS. FLOWERS: When you said the "ten-year  
16 | probation period," what is -- I don't understand that.

17 | MR. GURVICH: Ten years has to elapse from the  
18 | time that you completed your probation until you would be  
19 | eligible for a security officer license, and only eight  
20 | years have gone by.

21 | MS. FLOWERS: I had never knew that. No one  
22 | never actually explained that to me, or else I wouldn't  
23 | have never went through this precedes from doing it.

24 | MR. GURVICH: Right. It's in the law, though.  
25 | I understand that. All right. Further

1 debate/discussion? All in favor of the motion as stated  
2 say aye.

3 ALL BOARD MEMBERS: Aye.

4 MR. GURVICH: Any opposed? The motion passes.  
5 I'm afraid we have to confirm the state's -- the board's  
6 action now. if you want to come back here in -- what  
7 month in 2014? I'm sorry?

8 You can always reapply, but the ten years has to  
9 run.

10 MS. MCLEARY:

11 June.

12 MR. GURVICH: June of 2014. Thank you for being  
13 here today. I'm sorry we couldn't help you.

14 Okay. Did we handle Century Security?

15 MR. ROGILLIO: Yes, sir.

16 **F.E.S.S., INC.**

17 MR. GURVICH: Okay. That leaves us with  
18 F.E.S.S.?

19 MR. ROGILLIO: F.E.S.S. is the last one.

20 MR. GURVICH: Are you all ready to proceed with  
21 that hearing?

22 MR. ROGILLIO: Yes, sir.

23 MR. GURVICH: The ladies and gentlemen from  
24 F.E.S.S., if you would, come forward. Be recognized.  
25 And I take it that somebody is going to be an official

1 representative for the company?

2 MS. MCLEARY: Mr. Gurvich, this is the first --  
3 you know, this is a lengthy document that they've just --  
4 I need to address one by one. I think it might be  
5 helpful if we take five minutes and actually meet with --  
6 I don't know if -- it may just be helpful, streamline the  
7 pending hearing.

8 MR. GURVICH: Certainly. We'll go into recess  
9 for five minutes or until you wink at me to direct you  
10 back on the record.

11 MS. MCLEARY: Thank you.

12 MR. GURVICH: Someone of the witnesses has to be  
13 designated as the official representative of F.E.S.S., so  
14 y'all have to work that out.

15 MS. MCLEARY: Yes, sir.

16 MS. RYLAND: Well, Jose is the qualifying  
17 agent.

18 MS. MCLEARY: He is on behalf of Mr. Marsh also?

19 MR. RODRIGUEZ: Tammy Bauer is going to speak.

20 MR. GURVICH: Who is the initial representative  
21 who is going to speak for F.E.S.S.?

22 MS. RYLAND: Paul Marsh is the owner.

23 MR. GURVICH: He's not here today.

24 (Recess taken.)

25 MR. GURVICH: Okay. Counsel. Can we swear



1 everybody in.

2 MS. MCLEARY: Yes, sir. We will have several  
3 witnesses. Mr. Paisant and Mr. Bourgeois could also be.  
4 Mr. Thornton can also be sworn in -- oh, you have been.  
5 (Mr. Donald Paisant, Mr. Ross Bourgeois, Mr. Jose  
6 Rodriguez, Ms. Tammy Bauer were administered the oath.)

7 MR. GURVICH: Okay. Now, the official  
8 representative of F.E.S.S. is Tammy Bauer; is that  
9 correct? Okay. And, Counsel, your case in chief. Are  
10 you ready?

11 MS. MCLEARY: Yes, sir. Do you want me to  
12 address this?

13 MR. GURVICH: The stipulations first?

14 MS. MCLEARY: Yes, sir. It's my understanding  
15 and Ms. -- is it Bauer?

16 MS. BAUER: Ms. Bauer.

17 MS. MCLEARY: -- can contradict me if  
18 necessary. I understand we have entered into a  
19 stipulation or going to enter into a stipulation as to 90  
20 of the violations as cited in Mr. Rogillio's May 23rd,  
21 2012, letter, that they are going to concede that 90 of  
22 those violations did occur. Board action was taken as  
23 far as finding them in violation, but did not assess any  
24 penalties or fines as it relates to the 90; actually, as  
25 to the whole, but much less the 90.

1 MR. GURVICH: Looking at this Charge Letter  
2 dated May 23rd, 2012 -- do you folks have a copy of it?

3 MS. BAUER: Yes, sir.

4 MR. GURVICH: Then everything evolved clearly  
5 into one paragraph of this Charge Letter, which was 159  
6 violations. Now, what the stipulation is saying is that  
7 there is no contest and the fact exists that 90 of the  
8 violations. Now, I'm just wondering --

9 MS. MCLEARY: And the detail as to which guards,  
10 we would be -- which of the 90 is found --

11 MR. GURVICH: Which is 159.

12 MS. MCLEARY: -- yes, which of the 159 is  
13 actually in this chart that was provided by F.E.S.S. If  
14 we look to very end of the binder that was presented, it  
15 has not been put into evidence, but everything, except  
16 for the very last page, seven or so prior pages, is a  
17 chart that was created with the name, security, staff  
18 member, indicating their title or work performed, whether  
19 or not they are appealing this or whether or not the  
20 application or termination was there. So I'm guessing  
21 the Termination column are those 90 that are not going to  
22 be contested.

23 MS. BAUER: Correct.

24 MR. GURVICH: This is the very last thing in the  
25 packet?

1 MS. BAUER. Correct.

2 MS. MCLEARY: Yes, sir. I have one more page on  
3 the very end, but everything else.

4 MS. BAUER: We have all those applications and  
5 terminations. That was my fault they did not get turned  
6 in on time. They were all done. The persons all had  
7 their blue cards on them at the event. And when we got  
8 back, I did all the terminations and never -- I failed to  
9 turn them in. It was all my fault. But I do have those  
10 to be turned today to be accepted, with the application  
11 fees.

12 MR. GURVICH: So the board staff passed  
13 judgment, as it were, on these 90 violations?

14 MS. MCLEARY: On the 159 --

15 MR. GURVICH: Right.

16 MS. MCLEARY: -- these 90, yes, sir, we did.  
17 And they've stipulated that those were violations.

18 MR. GURVICH: So we're going to stipulate that  
19 the 90 violations did in fact occur?

20 MS. MCLEARY: Yes, sir.

21 MR. GURVICH: Those being in evidence in the  
22 documents which you were going to file into the record?

23 MS. MCLEARY: Yes, sir. I can pull out this  
24 list and make that Exhibit A if you would like.

25 MR. GURVICH: Yes. I think we probably need to

1 do that. That is a list starting with the name of  
2 Marion Allen?

3 MS. MCLEARY: Yes, sir.

4 MR. GURVICH: And concluding with the name --

5 MS. MCLEARY: Pamela Young.

6 MR. GURVICH: -- Pamela Young, that 90 of those  
7 violations did in fact occur. This is a list of 90  
8 names, I take it?

9 MS. BAUER: This is all 159.

10 MR. GURVICH: Okay. But your --

11 MS. BAUER: The checks with the application --

12 MR. GURVICH: -- checks in the last column which  
13 indicates --

14 MS. BAUER: Yes, sir.

15 MS. MCLEARY: I have not counted, but I'm  
16 assuming.

17 MR. GURVICH: So we'll take it as 90.

18 MS. MCLEARY: To be careful, all of those in the  
19 Application-Termination column will be admitted too,  
20 whether our numbers are off or not.

21 EXAMINATION OF MS. BAUER BY MR. GURVICH:

22 Q. All right. In the Application/Termination column,  
23 these those are the violations which are being admitted  
24 to in the stipulation?

25 A. Correct.

1 Q. So we have 90 of those out of the way, and we have  
2 69 remaining charges. Now, my question: Is there a  
3 central issue to all of these 69 so that we can address  
4 this, stipulate that the issues are upon the other 69?  
5 Well, you said there are some different categories?

6 A. Yes, sir.

7 Q. How many categories of these individuals that you  
8 say were not security guards are there?

9 A. I initially said three, but there are four  
10 categories of different staffing positions that I'm --  
11 right.

12 MS. MCLEARY: They are indicating that the staff  
13 directional category of person or category of job duties  
14 does not require them to be registered. And I believe  
15 that's what's indicated in the Appeal column. How they  
16 indicate whether they are staff or directional is what  
17 she is talking about the four categories of persons that  
18 may fall under.

19 BY MR. GURVICH:

20 Q. Okay. And the four categories would be:

21 A. And they are listed on each individual. But the  
22 first one is -- now let me backtrack. The initial 159  
23 violations came off of a -- under my understanding, came  
24 off of a sign-in sheet that was turned in by the  
25 Superdome to the state board. On that sign-in sheet,

1 they are -- they have the positions listed, and they went  
2 those positions.

3 Anything that said Bag Checker, Pat Down, Barricade  
4 Line, was pulled and automatically checked for  
5 credentials if they had -- not checked at the event.  
6 They were not there at the event. Someone went through  
7 their paperwork and checked. If they did not have their  
8 license, then they were automatically in violation.

9 Q. Those are the ones that we denied?

10 A. No. All 159.

11 Q. Oh, okay.

12 A. And out of those 90 -- I'm saying 90, yes, were  
13 either a bag checker or a pat down personnel. The other  
14 69 that I'm saying were staff members got moved from the  
15 position they signed in at. The sign-in sheet is maybe  
16 poor administrative on my part. I have everybody sign in  
17 on a sheet to make sure my numbers are met. Then I place  
18 them in the positions where they are qualified to work.

19 So if they are a licensed guard, they are going to  
20 be a bag checker. If they are going to be a pat down  
21 person, they are not licensed, they get an application,  
22 and they have the blue card on them. That's the  
23 procedures that we took for this.

24 So out of those 159, 69 of those people fell under  
25 the categories of either -- what we call our barkers, who

1 are the people that stand out in front of the pat down  
2 lines, directing which people to go in, males, female  
3 lines.

4 We have what we call people movers, who are people  
5 around the perimeter of the building that ask people to  
6 go into the gates that are being less used.

7 And then there's two other ones that I am in  
8 question of if they should have been -- I don't feel they  
9 were a security position were, one, supervisors. All  
10 they do is administrative work. They check the people in  
11 and out. They do not perform security duties. They do  
12 not stand on a post. They don't fill in on a post. They  
13 basically are there with their sign-in sheets and  
14 checking people in and out. They were on that list as  
15 well, because it said Bag Check Supervisor.

16 And then the fourth one is our barricade lines,  
17 which, my interpretation, these people that stand along  
18 the barricades are also directing people how to enter the  
19 gate. They are not doing security functions. There are  
20 police officers right behind them. And the ticket takers  
21 are right behind them as well. So they are standing  
22 there directing the people how to get into the gates  
23 versus doing a security job. So those are the four  
24 categories that I pulled --

25 Q. The four categories were barkers, barricade

1 | linesmen, I guess?

2 | A. Yes, sir. People movers and the supervisors.

3 | Q. Okay. Now, in your list, it doesn't quite break  
4 | down that way; at least, not the one I'm looking at.

5 | A. No. On the individual guard sheets, it does tell  
6 | you what each one of them were doing.

7 | Q. It says like Staff Directional Person.

8 | A. Correct. And, like, if you go to that --

9 | MS. MCLEARY: She does have individual pages for  
10 | each guard prior, earlier.

11 | MR. GURVICH: That's further back, and we're in  
12 | the front.

13 | MS. MCLEARY: Yes. Of those that you addressed.

14 | MR. GURVICH: I'm just going off this one list.

15 | MS. BAUER: Right.

16 | BY MR. GURVICH:

17 | Q. So we're looking at -- the people in dispute here  
18 | are people movers. How many of those are there that are  
19 | involved in --

20 | A. It's 16, I believe.

21 | Q. Try and give me exact numbers, because, you know,  
22 | this is an official hearing.

23 | MS. VINSON: If you will look through and  
24 | count.

25 | MS. BAUER: Oh, you want me to look through?



1 I'll look through here.

2 MR. GURVICH: We need a breakdown of these four  
3 categories.

4 MS. BAUER: Okay. It might take me a second.

5 MS. MCLEARY: Of course, it's the position of  
6 the board that those categories of people would fall as  
7 regarding security services, so.

8 MR. GURVICH: Mr. Kennedy.

9 EXAMINATION OF MS. BAUER BY MR. KENNEDY:

10 Q. Who supervises the security officers; who supervises  
11 your security officers at that site?

12 A. Well, supervising them, well, there's different. We  
13 have supervisors at each location for each gate, there's  
14 a supervisor. And, overall, like I'm one of the main  
15 supervisors that would be there for every event as well.

16 Q. So there's 90 that you mention that you say you were  
17 in violation. Are any of those 90, are they all just  
18 workers; none of them are supervisors?

19 A. Correct. Anyone who is listed as a bag check  
20 supervisor that did not show up into this 159 violation  
21 would have had a hard card license, because we do have  
22 people that are licensed guards that do supervising  
23 positions as well.

24 EXAMINATION OF MS. BAUER BY MS. MCLEARY:

25 Q. And those would account, if there were more than 90

1 | positions or duties to be filled that day, that would  
2 | have made security duties --

3 | A. It would have been licensed guards.

4 | Q. The licensed guards otherwise?

5 | A. Correct.

6 | MS. MCLEARY: Okay.

7 | EXAMINATION OF MS. BAUER BY MR. KENNEDY (CONT'D):

8 | Q. So, basically, none of these staff supervisors that  
9 | you have listed had any supervision duties at all for  
10 | your armed -- or your uniformed security officers?

11 | A. The only job duties they had were to check the  
12 | people in at -- once they got to the gate, because once  
13 | they sign in with me and I have them to go to their  
14 | gates, they recheck them in and make sure they are all  
15 | accounted for at the positions of the gates.

16 | Q. Who checks on those individuals to make sure they  
17 | are performing their duties up to standard?

18 | A. I do. I walk around. After everyone is put on  
19 | place, then I personally walk around.

20 | EXAMINATION OF MS. BAUER BY MS. MCLEARY (CONT'D):

21 | Q. Then that person stays in place or how do -- if they  
22 | need to change job duties, who authorizes that?

23 | A. If anybody is moved, they would call me, and it  
24 | would go through me, through the command post. Superdome  
25 | would call the command post, who would in turn call me,

1 and then I would move the people in the chain of  
2 command.

3 Q. So the list that the Superdome may provide as far as  
4 who is performing what duty is incorrect?

5 A. They would not put one of my guards in a position.  
6 That's a chain of command thing. We have already  
7 established that with them. They come to me, and I move  
8 my own guards. Nobody moves my guards, but me.

9 Q. So why would they have to have a list of who is  
10 performing what duty, then?

11 A. They don't. I just provide that to them. They  
12 don't need that.

13 Q. But they do, don't they?

14 A. No. I mean, some of them use -- I just give them a  
15 piece of paper with names and times.

16 Q. In this instance, was a list provided to the  
17 Superdome, as you call it, a sign-in list, that Superdome  
18 maintained that had a job duty, a name, and that guard  
19 signed in for that deposition?

20 A. They did do that. And the reason, that is for  
21 billing purposes. That has nothing to do with their job  
22 performance. I turn in a sign-in sheet after every event  
23 for billing purposes. That's strictly the reason.

24 Q. So if they signed into a position, they could then  
25 perform another one, but they are billed at the same

1 rate, whether they are performing security services or a  
2 barker?

3 A. Correct.

4 MR. GURVICH: Well, I didn't want to get too far  
5 afield.

6 MS. MCLEARY: Okay. Sorry. We are, we are  
7 getting way into the case.

8 MR. GURVICH: One thing preliminarily, so we can  
9 get a handle on it, of those 69 folks that remain in  
10 contention here --

11 MS. MCLEARY: Oh, yes. She needs to count them.

12 MS. BAUER: I'm trying.

13 MS. MCLEARY: I'm sorry. I've been  
14 interrupting. She needs to count. I'm sorry.

15 MR. GURVICH: We just need to find out how many  
16 are people movers, how many are barkers, how many are  
17 barricade guards -- and take your time.

18 We have witnesses that you are going to call?

19 MS. MCLEARY: Yes, sir. Probably dickie.

20 MR. GURVICH: Any others?

21 MS. MCLEARY: Yes, sir. Mr. Paisant.

22 MS. LOCKETT: Mr. Chairman.

23 MR. GURVICH: Ms. Lockett.

24 MS. LOCKETT: Is Ms. Bauer a supervisor with the  
25 company, or what is her position?

1 MS. BAUER: I am the event manager, but I also  
2 supervise as well. I'm a licensed guard.

3 MR. GURVICH: And per Mr. Marsh, who is, I  
4 believe, the owner of the company --

5 MS. BAUER: Yes, sir.

6 MR. GURVICH: -- he has indicated that she is  
7 authorized to represent F.E.S.S. in these proceedings.

8 MS. MCLEARY: And, Mr. Gurvich, as what was  
9 indicated, if it helps, since we are counting categories  
10 of people here, Mr. Thornton has just indicated that he  
11 did not count those indicated as external people movers  
12 on the sign-in sheet, so.

13 MS. BAUER: I know. I can explain that. We  
14 have, I want to say -- I will tell you in a minute, but I  
15 think it was eight positions that are listed as our TBAs,  
16 but because it says Bag Checker TBA or Pat Down TBA, all  
17 of my TBAs were moved to People Movers, because there was  
18 a major problem of bottlenecking of people that could not  
19 get around the perimeter of the building. So all of my  
20 TBAs moved to that position. That is why he said he  
21 didn't count them, because they were my TBAs

22 MR. GURVICH: Well, we can look back at all of  
23 this.

24 MS. MCLEARY: Right. After the numbers are  
25 obtained, would it be helpful to discuss the categories

1 and whether or not the board feels --

2 MR. GURVICH: We're going to do all that.

3 MS. MCLEARY: Okay. I'm just trying to think of  
4 an organized way to knock these out.

5 EXAMINATION OF MS. BAUER BY MR. GURVICH (CONT'D):

6 Q. Okay. So, say, people movers, how many of those?

7 A. People movers had seven.

8 Q. All right. Barkers?

9 A. Barkers, we had 48.

10 Q. Barricade lines?

11 A. Eight.

12 Q. Supervisors?

13 A. Four. And then I also had four people that, another  
14 category we had, that we had issued over to the Superdome  
15 to fill in positions that they did not have staff.

16 Q. These are security positions?

17 A. I don't know. They asked for if we had any extra  
18 guards, and we had additional people that we were able to  
19 give them, so that was four people there that we gave  
20 them.

21 MR. GURVICH: Right. Hopefully, that totals  
22 69?

23 MS. BAUER: I hope so too.

24 MR. ROGILLIO: I get 67.

25 MR. GURVICH: You get 67?

1 MS. RYLAND: You have a calculator.

2 MR. GURVICH: Y'all gave me a calculator. Well,  
3 I have 71.

4 MS. BAUER: Do you want me to go through them  
5 again?

6 MR. ROGILLIO: Yes.

7 MR. GURVICH: Seven people movers, twenty-eight  
8 barkers, eight barricade linesmen, four supervisors, and  
9 four Superdome positions.

10 MS. MCLEARY: I think we've just got 71, right?

11 MR. GURVICH: Still at 71, too high. It looks  
12 like we have 67 remaining violations, not 69. Mr. Baer  
13 has kindly counted the numbers and recounted.

14 MS. RYLAND: I got that too.

15 MR. GURVICH: So we are dealing with 67  
16 violations.

17 MS. RYLAND: And it's 92 that's on the other  
18 category if you count them.

19 MR. GURVICH: Okay. Well, I would ask our  
20 mathematician, Mr. Baer.

21 MS. RYLAND: Count those in the app-termed  
22 category.

23 MS. LOCKETT: I got 92 also.

24 MS. RYLAND: I got 92 in the app-term and 67 in  
25 the appeal.

1 MR. GURVICH: All right. So, then, is it  
2 correct to say that the total numbers were correct; if it  
3 says 90 violations, did y'all mean to stipulate to the  
4 92; is that correct?

5 MS. BAUER: I would have to make sure that I  
6 didn't check off somebody wrong first. Let me go through  
7 the individuals and make sure.

8 MR. GURVICH: How many folks are here from  
9 F.E.S.S.? Three? Just trying to get this thing  
10 organized, it strikes me that we're going to have five  
11 categories. Perhaps we could take one of these folders  
12 and put the -- and y'all have very kindly put together a  
13 little blurb on each individual. Could we segregate  
14 those into the five categories --

15 MS. BAUER: Yes.

16 MR. GURVICH: And one of your folks could do  
17 that while we're here to keep us moving along?

18 MS. BAUER: Yes, we can.

19 MR. GURVICH: In fact, do you need an extra  
20 folder?

21 MS. BAUER: No, sir.

22 MR. GURVICH: One of your folks could do that  
23 while we proceed along with the testimony?

24 MS. BAUER: She will.

25 (Off the record discussion.)



1 MS. BAUER: Okay. I'm coming up with the 69.  
2 I've got 7 barricades, 7 people movers, 47 barkers, 4  
3 supervisors, and 4 given to the Superdome.

4 MR. GURVICH: All right. So, instead of eight  
5 barricade linesmen, we have seven. What other changes  
6 were made?

7 MS. BAUER: Check my math. I had 47 barkers and  
8 then 4 supervisors.

9 MR. GURVICH: So that gives you the 69? All  
10 right. We still have, in terms of the numbers checked  
11 off on that right side column, Mr. Baer said, I believe,  
12 was it 92, or was it?

13 MR. BAER: No. I had 67 appeals. I didn't  
14 count the --

15 MS. RYLAND: 92 for the app-term.

16 MR. GURVICH: So is it correct to say, then,  
17 that the stipulation should have been 92 violations and  
18 that 67 are contested? I want to get that cleaned up.

19 MS. BAUER: No. I would rather go with the  
20 actual pages on there versus my check marks.

21 MR. GURVICH: All right. Well, we will stay  
22 with the 90. Let's presume we're at 69. Now, I throw  
23 this out as a suggestion that we probably need to get  
24 general testimony in, blah-blah-blah, and then we need to  
25 probably address the job duties of these individual

1 categories so that the board can make an assessment as to  
2 what falls under the aegis of security and what doesn't.  
3 And if that's acceptable to everybody, we'll proceed on  
4 that basis. So we'll hold the stipulations to 90, to  
5 have 69 contested violations.

6 And, Counsel, it's your case in chief, so proceed.

7 MS. MCLEARY: Okay. I call Mr. Thornton as a  
8 witness.

9 MR. GURVICH: Mr. Thornton, you have been  
10 sworn?

11 MR. THORNTON: Yes.

12 EXAMINATION OF MR. THORNTON BY MS. MCLEARY:

13 Q. Can you state your name and your role here at the  
14 board for us.

15 A. Dick Thornton. I'm the investigator/auditor.

16 Q. And are you familiar with the complaint that was  
17 lodged against F.E.S.S., Incorporated?

18 A. Yes, I am.

19 Q. And what was the nature of that complaint?

20 A. That they were working various events at the  
21 Superdome with a lot of guards that they were not  
22 registering.

23 Q. Was there one particular event that your attention  
24 was called to?

25 A. The Final Four. They had a lot of people working

1 that event.

2 Q. Did you at that point investigate this complaint  
3 that was made?

4 A. Yes, I did. I went to the Superdome and contacted  
5 their chief of security, Mr. Donald Paisant, and asked  
6 him if they did in fact work that event. He said, yes,  
7 they did. I asked him if he could produce paperwork that  
8 would verify their working and what they did.

9 Q. And did he provide that paperwork?

10 A. Yes, he did.

11 Q. What did you then do with that?

12 A. I took the paperwork and broke it down as far as  
13 what I considered security. They had a lot of names on  
14 that list, and I broke down the ones that I know  
15 specifically to be security, like bag checkers, pat down  
16 people, some barricade people. I, however, passed over a  
17 lot of people on this list that could be construed as  
18 security, but if there was any question at all in my  
19 mind, I did not put them on this list.

20 Q. What other kind of documents did the Superdome  
21 provide to you -- or did Mr. Paisant present to you?

22 A. In front of you there, it's a list of how many  
23 guards they requested, or, at least, on the front page,  
24 it says Supervisors and Guards, and then a little bit  
25 further back, it starts breaking them down as to what

1 their responsibilities were.

2 Q. Let me show you a document.

3 MS. MCLEARY: And I can show it to them too if  
4 they would like.

5 MR. GURVICH: Sure, yes.

6 BY MS. MCLEARY:

7 Q. Is this the documentation that you just referred to?

8 A. Yes, it is.

9 Q. How many pages does this include?

10 MR. GURVICH: Y'all have a right to examine that  
11 document. Do you want to examine that document?

12 MR. RODRIGUEZ: Yes, please.

13 A. It's 14 pages.

14 MS. MCLEARY: Let me get you another copy you  
15 can have. Jane, do you have another copy?

16 MS. RYLAND: No. Dickie's got mine. Take it  
17 out of Wayne's.

18 MR. GURVICH: This is the, what, board records?

19 MS. MCLEARY: This is the documentation that  
20 Mr. Thornton said that was provided to him by  
21 Mr. Paisant.

22 BY MS. MCLEARY:

23 Q. And, Mr. Thornton, if you could describe -- go to  
24 just the first page, and I believe the board does have it  
25 in their records. Describe what it looks like so maybe

1 the board members could refer to that.

2 A. Okay. There are a lot of -- I mean, pages 1 through  
3 6 are -- I looked at it, but.

4 Q. What's at the top of it? so they can be directed to  
5 the correct page.

6 A. Page 7, it starts with Player Guest A Ground.

7 Q. No. I mean, just describe that first page on it --

8 A. Oh, I'm sorry.

9 Q. -- so they can get to the right page in their  
10 packets if you don't mind.

11 A. Page 1 is a Service Invoice. And it has --

12 Q. Is that an 8-by-14 page?

13 A. Right. It's one of the long ones.

14 MR. GURVICH: This is a document prepared by?

15 MR. THORNTON: The Superdome. I got this from  
16 the Superdome.

17 MS. MCLEARY: There will be the testimony from  
18 the Superdome also about the document.

19 MR. THORNTON: I talked to their chief of  
20 security, Mr. Paisant.

21 MR. GURVICH: Is there someone here from the  
22 Superdome to verify these documents?

23 MS. MCLEARY: Yes, sir.

24 MR. GURVICH: Do y'all object in the interim if  
25 we admit this document on the assumption that the

1 Superdome guy will shortly testify that it's true on its  
2 face?

3 MR. RODRIGUEZ: Which document is that page?

4 MR. GURVICH: The Service Invoice.

5 MS. BAUER: That was provided by us. The  
6 Superdome may have given it to them, but this is our  
7 invoice that we gave to them. So they did not produce  
8 that.

9 MS. MCLEARY: No. The Superdome provided that  
10 to us.

11 MR. GURVICH: So this is the invoice that you in  
12 fact gave, so you gave it to the Superdome, and they gave  
13 it to the board?

14 MS. BAUER: Right.

15 MR. GURVICH: This is the document? Okay. Go  
16 ahead and proceed. That's solves that.

17 MR. THORNTON: The first page has Guard  
18 Supervisors and then Guards, and it lists the number and  
19 the amount paid. I went through these pages, and when I  
20 got back to page 7 of this document, it started being  
21 specific as far as which guards were doing what at each  
22 location. And some of these, I couldn't -- I don't know  
23 what they were doing, so I didn't put anything down for  
24 them.

25 BY MS. MCLEARY:

1 Q. And you're saying "put something down." You then  
2 did what with this?

3 A. I did not put them on the list. The list that I  
4 charged them with not being registered, I did not put the  
5 guards, like on Ground Gate C, I didn't put any of that.

6 If you go over to page 8, it's where I started  
7 writing names down, because they have like a few lines  
8 down, they have Gate 8 Pat-downs. And they go further  
9 down, Gate 8 Bag Checkers, a Supervisor for that gate;  
10 Gate B Pat-downs, Gate B Bag Checkers. Those people,  
11 according to our law, are security. So I took the name  
12 to the right of that, designating that person worked that  
13 location. And that's who I charged with not being  
14 registered. And I went through all of these pages and  
15 came up with 159 names.

16 EXAMINATION OF MR. THORNTON BY MR. GURVICH:

17 Q. How many were bag checkers in your preliminary --

18 A. Excuse me. On the very back, you will see my  
19 handwriting. It was my breakdown. And I've got them  
20 broken down. I can add them up. There's a few pages  
21 back there, because as I did the pages, I separated  
22 them. But when Jane typed it out, of course, she didn't  
23 separate them all.

24 Q. This document here in the packet with us dated  
25 4/2/12, is that the document to which you're referring

1 to, Final Four Championship --

2 A. Right.

3 Q. -- 159 Violations in the upper right-hand corner,  
4 that's a document prepared by you?

5 A. Right. The handwritten one, that's the one that I  
6 took off of the paperwork that I was given by the  
7 Superdome.

8 EXAMINATION OF MR. THORNTON BY MS. MCLEARY (CONT'D):

9 Q. And you then compared that to what?

10 A. I checked these people to make sure that they were  
11 not registered with us. If you'll see the notations,  
12 I've got notations out on the right on some of them.  
13 Some of them were originally with that company. They  
14 were termed. There was one denied.

15 MR. GURVICH: Do you want to give them an --  
16 we're introducing this into evidence, and we'll give them  
17 an opportunity to review it.

18 Do y'all have a copy of that document?

19 MS. BAUER: No, sir.

20 MR. GURVICH: I just want to make sure. This is  
21 the document dated 4/2/12, prepared by you in your hand  
22 in the course of your official duties of the board?

23 MR. THORNTON: Correct.

24 MR. GURVICH: All right. Then please proceed.  
25 I'm just getting this housekeeping out of the way.



1 MS. MCLEARY: Okay. Thank you.

2 BY MS. MCLEARY:

3 Q. Based on this document, you created your list; you  
4 just testified that you created a list of 159  
5 violations. You then presented that to Mr. Rogillio?

6 A. Yes, I did.

7 Q. Was it represented to you in any way by the  
8 Superdome that this list was inaccurate or incomplete?

9 A. No, it was not. The Superdome, Mr. Paisant, said  
10 this is the list; these are the people working, you know,  
11 for this event.

12 Q. Did you go and check, personally inspect the  
13 location at the time when they were supposed to be  
14 providing these services?

15 A. No. This happened after the event was over.

16 Q. Okay. So you in fact relied on the Superdome's  
17 representation?

18 A. Yes, I did.

19 Q. Some of the examples of -- if you could, let's go  
20 through the job titles that are listed on this list and  
21 maybe list out some of the -- which ones you counted and  
22 which ones you did not. For example, on page 7, I  
23 believe, is where it starts. Player Guest A Ground is  
24 listed as the first designation. Did you count them as  
25 performing guard services?

1 A. No.

2 Q. Gate A Ground --

3 A. No.

4 Q. -- Is listed as next category -- oh, no.

5 I'm sorry. Player Guest A Ground Super, which I'm

6 assuming is "supervisor," did you list them as

7 performing guard services?

8 A. No.

9 Q. Gate Ground A is the next designation.

10 A. No.

11 Q. A Ground Supervisor?

12 A. No.

13 Q. NW Press?

14 A. No.

15 Q. NW Press General?

16 A. No.

17 Q. Student Control?

18 A. No.

19 Q. Ground C TBD?

20 A. No.

21 Q. Ground Gate C?

22 A. Yes -- oh, wait. I'm sorry. No. I didn't do any

23 of those.

24 Q. Ground C Supervisor?

25 A. No.

1 Q. Guest Relations Center?  
2 A. No.  
3 Q. Gate A Pat Downs M?  
4 A. Yes. I listed all of those on Gate A Pat Downs, all  
5 of those where it starts Gate A Bag Checkers.  
6 Q. You listed those?  
7 A. I listed those.  
8 Q. Gait A Barricade Lines?  
9 A. No -- well, wait. Yes, I did, the Barricade Line.  
10 Q. Gate A Supervisor?  
11 A. Yes.  
12 Q. Gait A Super -- oh, I'm sorry. Gate B Pat Down?  
13 A. Yes.  
14 Q. Gait B Bag Checkers?  
15 A. Yes.  
16 Q. Gait B Supervisor?  
17 A. Yes.  
18 Q. Gate C Pat Downs?  
19 A. Yes.  
20 Q. Gate C Bag Checkers?  
21 A. Yes.  
22 Q. Gate C Supervisor?  
23 A. Yes.  
24 Q. Gait D Pat Downs?  
25 A. Yes.

- 1 Q. Gate D Bag Checkers?
- 2 A. Yes.
- 3 Q. Gate D Supervisor?
- 4 A. Yes.
- 5 Q. Gate E Pat Downs?
- 6 A. Yes.
- 7 Q. Gate E Bag Checkers?
- 8 A. Yes.
- 9 Q. Gate E Barricade Lines?
- 10 A. I think I put all the Barricade Lines on there.
- 11 Some of these, I couldn't prove anything, but I think I
- 12 put all the Barricades Lines down, because they were
- 13 actually working barricades, keeping people from, you
- 14 know, doing something.
- 15 Q. Okay. Gate E Supervisors?
- 16 A. Yes.
- 17 Q. Or, at least, just Gate F?
- 18 A. No. I didn't put those down.
- 19 Q. Or Gate F Supervisor?
- 20 A. No.
- 21 Q. Again, it goes, we go back to Gate G Pat Downs?
- 22 A. Yes.
- 23 Q. Gate G Bag Checkers?
- 24 A. Yes.
- 25 Q. Gate G Supervisors?

1 A. Yes.

2 Q. Gate H Pat Downs?

3 A. Yes.

4 Q. Gate H Bag Checkers?

5 A. Yes.

6 Q. Air Intake?

7 A. No. I didn't know what that was.

8 Q. West Arena Bridge.

9 A. Even though I thought that was security, I didn't

10 put it down, because it doesn't tell you one way or the

11 other. So, no. I didn't put those down.

12 Q. East Arena Bridge?

13 A. No.

14 Q. General?

15 A. No.

16 Q. Exterior People Movers?

17 A. There again, even though I thought that was

18 security, People Movers could be directional people. So

19 I didn't put that down.

20 Q. Part of the reason was, since you did receive this

21 complaint after the event, there was no -- you couldn't

22 independently verify what the nature of their duties

23 were?

24 A. Right. I don't know what they did.

25 Q. People Mover Supervisor?

1 A. No.

2 Q. Pat Downs TBA?

3 A. Yes.

4 Q. Bag Checkers TBA?

5 A. Yes.

6 Q. Supervisor?

7 A. Yes.

8 Q. Administrative Support?

9 A. No.

10 Q. Event Managers?

11 A. No.

12 Q. Event Coordinators?

13 A. No.

14 Q. How about Exteriors for Lots 3 and 4?

15 A. No. I couldn't, couldn't prove that.

16 Q. The Turner/CBS Compound APs?

17 A. No.

18 Q. I don't know how to pronounce it, New Orleans, Girod

19 Street -- we spell it different in Lafayette, so Girod

20 Street East VCP?

21 A. No.

22 Q. None of those Girod Street?

23 A. None of those, I put.

24 Q. Or the Arena Stairs?

25 A. No.

1 Q. Or General or Command Post Personnel?

2 A. No.

3 Q. Okay. And these, the list that you've just  
4 described was the list that you then created and provided  
5 to Mr. Rogillio, evidencing the violations that you  
6 observed?

7 A. Yes, it was.

8 Q. Now I want to look at the Service Invoice that was  
9 provided to us by the Superdome. But it does list -- and  
10 I believe Ms. Bauer just said it was provided by F.E.S.S.  
11 to the Superdome. Are there designations for what types  
12 of services are on this invoice?

13 A. Yeah. On paper here, it states that they provided  
14 28 guard supervisors and 287 guards.

15 Q. And this was provided from F.E.S.S. -- by F.E.S.S.  
16 to the Superdome?

17 A. I got it from the Superdome.

18 Q. Oh, that's true. You wouldn't know.

19 A. Yeah. I don't.

20 Q. Can I direct you to page 2 of what you said that  
21 you received from the Superdome. What is this document;  
22 was it explained to you?

23 A. No. It has numbers out to the side, like it has  
24 NOPD stuff here, and then it has Security.

25 Q. Did you rely on this document at all in

1 determining --

2 A. Not this one. I mean, I looked at it and I saw  
3 security versus police officers, NOPD, but I didn't use  
4 this document in order to obtain that list.

5 Q. Okay. What about the list that's on page 5, did you  
6 use that list or this chart in determining your 159  
7 violations on pages 5 and 6?

8 A. No. I didn't use those. The only charts I used  
9 were specific charts with people assigned to positions.

10 MS. MCLEARY: I believe I have nothing further  
11 of Mr. Thornton.

12 MR. GURVICH: Do y'all wish to cross-examine  
13 Mr. Thornton?

14 MR. RODRIGUEZ: Yes. I'd like to ask questions.

15 CROSS-EXAMINATION OF MR. THORNTON BY MR. RODRIGUEZ:

16 Q. Mr. Thornton, did you actually go and check every  
17 guard on every position?

18 A. No. As I said, I was made aware of this after the  
19 event.

20 Q. How long after the event?

21 A. The event was February, so three months?

22 Q. Three months?

23 MS. BAUER: That was April.

24 A. Three, three four. It was.

25 BY MR. RODRIGUEZ:



1 Q. Three or four months?

2 A. Right.

3 MR. RODRIGUEZ: I don't have anything further.

4 MS. MCLEARY: I have nothing further.

5 MR. GURVICH: No further questions. Any  
6 questions for Mr. Thornton from our board members?

7 MR. RODRIGUEZ: One more question, Mr. Chairman.

8 BY MR. RODRIGUEZ:

9 Q. You stated you went out there based on a complaint;  
10 you acquired this information based on a complaint?

11 A. I had the complaint, and then I went down and  
12 acquired this information.

13 Q. That that was a formal written complaint?

14 A. Yes, it was.

15 MR. RODRIGUEZ: Nothing else. Thank you.

16 MR. GURVICH: Thank you, sir. Next witness.

17 MS. MCLEARY: I call Mr. Paisant.

18 MR. GURVICH: This gentleman has been sworn?

19 MS. MCLEARY: Yes, sir.

20 EXAMINATION OF MR. PAISANT BY MS. MCLEARY:

21 Q. Good morning.

22 A. Good morning.

23 Q. Afternoon, right, I know. If you could, state your  
24 name and occupation for us.

25 A. My name is Donald Paisant. I'm the chief of

1 security for SMG, Louisiana -- correction -- Mercedes  
2 Benz Superdome out of New Orleans Arena and Champion  
3 Square.

4 Q. How long have you held that position?

5 A. A little over a year.

6 Q. So you were head of security at the time of the  
7 Final Four Championship?

8 A. Yes, ma'am.

9 Q. And when was that held?

10 A. That was, The Final Four was on Monday, April 2nd,  
11 and they had the championship game that Saturday, the  
12 30th of March, and Final Four Friday, Friday the 29th.

13 Q. Are you aware of a security company being hired to  
14 help provide security services during that time?

15 A. Yes.

16 Q. And who is that company?

17 A. F.E.S.S. is a contract security company for SMG.

18 Q. Okay. Did you have the occasion to make any  
19 arrangements with F.E.S.S. as far as the numbers and/or  
20 -- the numbers of security guards that would be provided?

21 A. Yes, ma'am.

22 Q. And what were those discussions?

23 A. Our event services department comes up with a number  
24 of people that need to be covered, number of positions  
25 that need to be covered within our security department.

1 All of our exterior security, we contract out to F.E.S.S.  
2 Our bag checkers, our pat down folks, our people movers,  
3 and so forth, that's all on the exterior, that's all  
4 contracted out through F.E.S.S.

5 And we do that through what's caused a staffing work  
6 order that we send to them. And then they know what the  
7 numbers are, they staff it, and they show up and work.

8 Q. And I'm assuming, part of this contract that you  
9 have -- do you have a contract with F.E.S.S. to provide  
10 these services?

11 A. Yes, ma'am.

12 Q. As part of that contract, do they have to be in full  
13 compliance with the State Board of Private Security  
14 Examiners' regulations and state laws?

15 A. Yes.

16 Q. Did you have the occasion to create any documents  
17 reflecting these staffing levels that you've just  
18 referred to?

19 A. Let's see.

20 Q. Did you make these?

21 A. No. Actually, our Event Services does it, sends it  
22 to us, and then we send it to F.E.S.S.

23 Q. Okay. I'm going to show you what I think has  
24 previously been admitted into evidence, I believe, as --  
25 this is the document that Mr. Thornton has just testified

1 that he received from --

2 MR. GURVICH: Conditionally?

3 MS. MCLEARY: Sir? Conditionally.

4 BY MS. MCLEARY:

5 Q. -- that he has indicated was received from Superdome  
6 staff. Was that received from you; did you provide this  
7 document to Mr. Thornton?

8 A. Yes.

9 Q. What is this document?

10 A. This document is created by F.E.S.S., which shows  
11 the locations, the times in -- the time out, of course,  
12 is left blank -- the guard's name, and the signature.

13 Q. So F.E.S.S. created this and provided this to you?

14 A. Correct.

15 Q. Prior to the event; was this passed out prior to the  
16 event?

17 A. No. Let me kind of explain a little bit about how  
18 this works.

19 Q. Okay.

20 A. We send F.E.S.S. the number that we need. They fill  
21 it. They work it. They do their sign-in sheets. Then,  
22 after the event is over, they send us an invoice. Upon  
23 my arrival of taking over the position, when I got the  
24 invoice, I requested of them to send me the sign-in sheet  
25 so we can do a balance, ensure everything is correct,

1 | what we were being charged, for what the number of people  
2 | that signed in and also versus what we actually ordered.  
3 | So they initially send us the service invoice. Then we  
4 | make the request through Ms. Bauer to send us the sign-in  
5 | sheets.

6 | We sit down. We tally them up. We make sure  
7 | everything is equal, everything comes out in the wash. I  
8 | then sign it, I date it, and I send it to our finance  
9 | department. And then they in turn cut a check to  
10 | F.E.S.S. in the full amount for the invoice.

11 | Q. And these documents that I have just shown you, were  
12 | they the ones provided to you in support of the invoice  
13 | presented for the Final Four?

14 | A. Yes, ma'am.

15 | Q. And I'm going to show you also page 1 of that  
16 | document we just showed you. Is this the invoice you  
17 | received from F.E.S.S. for the Final Four work?

18 | A. This is the invoice for F.E.S.S. for -- it's dated  
19 | April 2nd -- it's dated April 1st, but it says the dates  
20 | of the guard supervisors and the guards of April 2nd. So  
21 | this is what we balanced out on the sheet of April 2nd.

22 | Q. Okay. The sign-in sheets that were provided to you,  
23 | you expect to be correct?

24 | A. Accurate, yes.

25 | Q. And do you pay -- as reflected on the invoice, I

1 believe Mr. Thornton said there are 287 guards and 28  
2 supervisors reflected on the invoice. Is the amount paid  
3 for all guards worked the same, the hourly rate?

4 A. Yes, ma'am. The hourly rate, yes, ma'am.

5 Q. And what's that listed as?

6 A. That is listed as \$15 an hour.

7 Q. And those positions that you paid the \$15 an hour  
8 for listed on F.E.S.S.'s invoice as guards are what's  
9 reflected on the sign-in sheets that they provided?

10 A. Yes.

11 Q. Okay. What's this other documentation that's  
12 attached to the invoice; that's something that's created  
13 by you or your office?

14 A. This is actually the event staffing that is created  
15 by our event services division -- department. It lists  
16 the event. It lists the dates. And then it lists what  
17 we need, how many locations, times, and a total amount of  
18 hours at the end. And where it indicates in the left-  
19 hand column the word "F.E.S.S.," that is the information  
20 that we send over to F.E.S.S. to fill this detail.

21 Q. And where it says security provided by F.E.S.S. and  
22 a number and times, so I guess what's indicated on here,  
23 that is then what is detailed on or what you expected to  
24 be detailed on the other sign-in sheets provided?

25 A. Correct.

1 Q. Okay. Do you provide the uniforms that this  
2 security -- that the F.E.S.S. employees wear?

3 A. No, ma'am, we do not.

4 Q. Would that be -- okay.

5 (Mr. Gurvich confers with Mr. Rodriguez.)

6 MR. GURVICH: Go right ahead.

7 BY MS. MCLEARY:

8 Q. Mr. Paisant, on the Service Invoice that you  
9 indicated, it's initialed and dated on the side. Is that  
10 that process that you described just a few minutes ago?

11 A. Yes, ma'am. That's actually my signature.

12 Q. That's your signature. And do you know if this  
13 invoice was in fact paid to F.E.S.S.?

14 A. Yes. It was approved off and paid. I'm sure they  
15 got paid, because we didn't have -- that didn't.

16 MS. MCLEARY: Okay. Thank you. I don't think I  
17 have any further questions.

18 MR. PAISANT: Thank you.

19 MR. RODRIGUEZ: I don't have any.

20 MR. GURVICH: A couple quick questions of  
21 Mr. Paisant.

22 MR. PAISANT: Yes, sir.

23 EXAMINATION OF MR. PAISANT BY MR. GURVICH:

24 Q. When this bill is submitted, as far as you're  
25 concerned, it's all one price; there is no distinguishing

1 category where, say, security might be paid at a  
2 different rate than, say, a barricade linesman or a sup  
3 -- they are all paid the same rate?

4 A. Yes, sir. They are all the same rate.

5 Q. So there is no distinguishing who is doing the  
6 security or who might be, say, a people mover as far as  
7 the Superdome is being charged; they are all charged at  
8 the same rate?

9 A. We have a -- one rate. Yes, sir.

10 MR. GURVICH: All right.

11 MR. BAER: Except for supervision, correct?

12 MR. PAISANT: Yes, sir. Supervisors are paid 17  
13 an hour, correct.

14 MR. BAER: Two rates.

15 MR. PAISANT: Yes, sir.

16 MR. GURVICH: Okay. I don't -- any further  
17 questions? Ms. Bauer, do you care to ask questions of  
18 Mr. Paisant?

19 MS. BAUER: No, sir.

20 MS. VINSON: I do.

21 MR. GURVICH: Ms. Vinson.

22 EXAMINATION OF MR. PAISANT BY MS. VINSON:

23 Q. When you contract for guards, are you under the  
24 impression that all of the personnel that you are  
25 contracting for are going to be registered security



1 guards?

2 A. Yes, ma'am.

3 BY MS. MCLEARY (CONT'D):

4 Q. And I guess, to follow up, if I could, to  
5 Ms. Vinson's question, it was indicated on the invoice  
6 provided by F.E.S.S. to you that you were charged for  
7 guards, correct?

8 A. Yes, ma'am. Two hundred and eighty-seven guards.

9 MS. MCLEARY: Thank you.

10 Mr. GURVICH: Any further questions for  
11 Mr. Paisant? Thank you, sir, for being here today. Next  
12 witness.

13 MS. MCLEARY: Next witness, I have  
14 Mr. Rogillio.

15 MR. ROGILLIO: Yes, ma'am.

16 EXAMINATION OF MR. ROGILLIO BY MS. MCLEARY:

17 Q. Mr. Rogillio, did you have an opportunity to review  
18 a document prepared by Mr. Dickie Thornton concerning  
19 F.E.S.S., Incorporated, a complaint made against  
20 F.E.S.S., Incorporated, and its activities during the  
21 Final Four Championship?

22 A. Once he completed his work, I did. Yes, ma'am.

23 COURT REPORTER: I'm sorry I didn't hear your  
24 answer.

25 MR. ROGILLIO: Once he completed his work, I did

1 review it, yes, ma'am.

2 BY MS. MCLEARY:

3 Q. And what was your -- what was the conclusion  
4 Mr. Thornton reached?

5 A. That there were 159 violations that occurred.

6 Q. What did you do with that information?

7 A. Well, we prepared the notice for this hearing,  
8 charging them with 159 violations.

9 Q. Did you institute a fee against F.E.S.S. for  
10 Mr. Marsh?

11 A. No, ma'am. I left that to the board.

12 Q. And was Mr. -- obviously, they are here today, but  
13 was -- service was provided to Mr. Marsh --

14 A. Yes.

15 Q. -- of the violations?

16 A. Yes, ma'am. Mr. Thornton served him.

17 Q. Okay. Mr. Rogillio, I want to ask you a question  
18 about security services. In law, how are "security  
19 services" defined by the board? What are some examples  
20 of security services, activity that constitutes security  
21 services?

22 A. Well, especially in this particular situation, badge  
23 checkers -- bag checkers. I'm sorry. And pat down folks  
24 certainly were doing security.

25 Q. It's the board's determination that that's a

1 security function?

2 A. Yes, ma'am.

3 Q. What about barricade linesmen?

4 A. I don't know what barricade linesmen actually do,  
5 but if they are prohibiting someone from going -- ingress  
6 or egress, then I would assume that that is security.

7 EXAMINATION OF MR. ROGILLIO BY MR. GURVICH:

8 Q. Let me back that question around. When the board  
9 made a provision that certain functions such as ticket  
10 taking were not to be construed as security, that was  
11 done by motion or a regulation?

12 A. It was done by rule. Once you determined, the board  
13 determined that, then we proposed the rule and it was  
14 adopted.

15 Q. So that rule has been promulgated --

16 A. It has been.

17 Q. -- as an administrative rule?

18 A. It has been.

19 Q. I think we need very soon to look at that rule and  
20 eyeball it and see exactly what it says. I'm sure y'all  
21 have a copy of it somewhere.

22 A. I can get it out of my office.

23 MR. ROGILLIO: Do you have it?

24 MS. RYLAND: You have the rules. It's right up  
25 there in front of you.

1 MS. MCLEARY: It should be the most recent  
2 version.

3 MS. VINSON: Control, regulation, or direction  
4 of the flow or movement of the public, except on public  
5 streets, whether by vehicle, on foot, or otherwise?

6 MS. MCLEARY: That's the law.

7 MR. ROGILLIO: But do you have the one that  
8 distinguishes bag checkers, informational people, and  
9 that sort? If you don't have that, I can get to it.

10 MS. MCLEARY: Mr. Gurvich, if I could ask  
11 Mr. Rogillio a question about that.

12 MR. GURVICH: Go ahead. I just want to get the  
13 rule. Everybody should hear.

14 EXAMINATION OF MR. ROGILLIO BY MS. MCLEARY (CONT'D):

15 Q. On that exact point, though, with the rule, with  
16 that rule that Mr. Gurvich referred to, can persons who  
17 are those ticket takers and those persons that we have  
18 defined as not providing security services, are they  
19 allowed to wear uniforms labeled "security"?

20 A. No, ma'am.

21 Q. They have to distinguish themselves from security  
22 personnel?

23 A. Yes, ma'am.

24 Q. So if somebody is providing security personnel who  
25 would then be moved to a position where they may fit

1 under the categories of people who we've said aren't  
2 security, could they continue to wear security guard  
3 uniforms?

4 A. Not under the rule.

5 Q. Okay. Did you agree that, the categories of persons  
6 that Mr. Thornton counted as providing security services  
7 on behalf of F.E.S.S., did you agree that those, that  
8 those categories of persons were in fact providing  
9 security services?

10 A. I did.

11 Q. And those would include pat down persons?

12 A. Yes, ma'am.

13 Q. Bag checkers?

14 A. Yes, ma'am.

15 Q. Barricade linemen?

16 A. Not badge. Bag checkers.

17 Q. Bag checkers. And some of the supervisors at the  
18 gate?

19 A. Yes, ma'am.

20 Q. Would that be those persons that you just referred  
21 to as controlling the ingress and egress or the flow or  
22 movement of people?

23 A. Yes, ma'am.

24 Q. And you would expect those people to be registered  
25 as such?

1 A. Yes, ma'am.

2 Q. And the violation that you cited them for was what?

3 A. Not being registered as security personnel.

4 MS. MCLEARY: Okay.

5 EXAMINATION OF MR. ROGILLIO BY MR. GURVICH (CONT'D):

6 Q. Was it the allegation of the board staff that

7 F.E.S.S. registered none of these people?

8 A. By their own admission, they didn't send those in.

9 Q. In other words, no one was registered?

10 A. Nope.

11 MR. THORNTON: Yes, sir. There were a few of  
12 them that were. Their names don't appear there.

13 MR. ROGILLIO: The ones that they are cited for  
14 are folks that are not registered, totally not  
15 registered.

16 BY MR. GURVICH:

17 Q. In other words, of these 159, none of them were  
18 registered; that is the contention of the board?

19 A. That's Mr. Thornton's investigation right here.

20 MR. GURVICH: Which we will certainly give to  
21 you and you have an opportunity to rebut that if that's  
22 in fact the case. Go ahead and proceed, then.

23 BY MS. MCLEARY:

24 Q. Is that still your contention today?

25 A. Yes, ma'am.

1 MS. MCLEARY: I have nothing further.

2 MR. GURVICH: Just as an aside, how many people  
3 were at the event? It's an open question to anyone. How  
4 many contracted individuals were at the event? Was that  
5 287?

6 MS. BAUER: Two eighty-seven.

7 MS. VINSON: Plus the 28 supervisors.

8 MS. MCLEARY: That's how many were billed for.

9 MR. GURVICH: Were billed. Okay. Whatever that  
10 number is, which is below 300. And then we have 159 that  
11 are alleged violations. All right. Thank you. I just  
12 want to get the overall perspective of this thing here.

13 Does that conclude your case?

14 MS. MCLEARY: Yes, sir. I believe it does.

15 MR. GURVICH: Now, by the way, you do have the  
16 opportunity to ask -- cross-examine Chief Rogillio.

17 MS. BAUER: Yes. I would like to.

18 MR. GURVICH: Okay. Bear with me one second.  
19 Why don't you -- you've got your file in order too?

20 MS. MCLEARY: I have made a little bit of a mess  
21 of it.

22 MR. GURVICH: Enter everything into the record.

23 MS. MCLEARY: Okay. I will. I think Ms. Ryland  
24 has a complete uncut copy.

25 MR. GURVICH: I'm sorry. I got ahead of

1 myself. You are invited now to cross-examine the chief.

2 CROSS-EXAMINATION OF MR. ROGILLIO BY MS. BAUER:

3 Q. Thank you. I just wanted to double-check. You just  
4 said that supervisors and the barricade line people are  
5 considered security?

6 A. Yes. We consider them as security.

7 Q. Although you said right before that, that you didn't  
8 know what the barricade line people did?

9 A. I took Mr. Thornton's word that those people were  
10 also doing security.

11 Q. Okay. Well, he also said that he did not know what  
12 that meant, but he put it down because it had the word  
13 "barricade."

14 A. I also clarified my answer by saying that, if they  
15 are stopping ingress and egress, then that's security.

16 Q. Right. but they're not. They're standing along --  
17 they put barricades, and they want them along the  
18 barricades. But they are directing the people how to  
19 enter the building. They are not stopping them from  
20 coming through or over barricades. So I'm trying to get  
21 clarification if it is or not. If it is, then I will  
22 make sure I make changes in the future. But I was under  
23 the impression that they were directing people.

24 A. I can only tell you what the rule says, and it says  
25 "control the regulation or direction of flow or movements



1 of the public." That's movement of the public, is it  
2 not?

3 Q. That's not a directional person? I was under the  
4 impression that would be a directional person.

5 A. I guess that's a matter of interpretation.

6 Q. Right. And that's what I'm trying to get at. We  
7 interpret that obviously different, so.

8 MR. GURVICH: Further questions for Chief  
9 Rogillio?

10 BY MS. BAUER:

11 Q. One of the things that was brought up in that  
12 conversation was about our uniforms. I'm not sure if I  
13 should bring this up as a question, because, being that  
14 no one was present, is there any way to know for sure  
15 what our people were wearing? Anybody know 100 percent  
16 they were wearing security shirts?

17 A. We did not charge any of your people for -- not  
18 being in uniform or being out of uniform.

19 Q. Okay. I just -- I didn't know because she had  
20 brought that up, that, you know, make sure they were in  
21 uniform?

22 MS. BAUER: That's it.

23 MR. GURVICH: I believe Mr. Kennedy has a  
24 comment or a question.

25 EXAMINATION OF MS. BAUER BY MR. KENNEDY:

1 Q. Yes, ma'am. Give me the definition of the  
2 "barricade worker" again that you just stated.

3 A. Okay. That they stand on the exterior part of the  
4 barricades directing people how to enter into the  
5 building.

6 Q. So that might fall under Item 1, Section  
7 (8) (H): "control, regulation, or direction of the flow or  
8 movements of the public, except on public streets"?

9 A. It could.

10 MR. KENNEDY: Correct? Thank you.

11 MR. GURVICH: Okay. Further questions for Chief  
12 Rogillio?

13 MS. BAUER: No, sir.

14 MR. GURVICH: Ms. Vinson.

15 MS. VINSON: What is the current status of  
16 F.E.S.S. Security? Are they on probation, or have they  
17 been on probation?

18 MR. ROGILLIO: No, ma'am.

19 MR. GURVICH: All right. Is that the board's  
20 case in chief as completed?

21 MS. MCLEARY: Yes, sir, it is.

22 MR. GURVICH: Okay. Ms. Bauer, it's your  
23 opportunity to present your case. You may call  
24 witnesses. You have the same opportunities that the  
25 board had.

1 MS. BAUER: I do want to make it noted that our  
2 staff members that were not in security positions were  
3 wearing staff shirts. We have two different uniforms.  
4 We have one that says "F.E.S.S. Security" and we have one  
5 that says "F.E.S.S. Staff." Everybody in a staffing  
6 position had a staff shirt on. So I do want to make that  
7 noted, that they were not -- not that that was what the  
8 violation was, but I still wanted to make that known.

9 EXAMINATION OF MS. BAUER BY MR. GURVICH:

10 Q. So you're adverting now to the four supervisors?

11 A. Supervisors wear a shirt that just says  
12 "Supervisor." It does not state "security" on it either.

13 Q. Right.

14 A. It just says "supervisor."

15 Q. Does it have a badge or anything of that nature?

16 A. No, sir.

17 Q. So your comment addressed the four supervisors?

18 A. That, as well as the people that were doing the  
19 barricade lines. And, I mean, everybody that was a  
20 directional person had a staff shirt on. All of our  
21 personnel, when they first come work for us, they get a  
22 staff shirt. Nobody gets a security shirt until they  
23 actually get a security license. Then they would be  
24 given a security shirt.

25 EXAMINATION OF MS. BAUER BY MS. VINSON:

1 Q. And when you are contracted to provide a certain  
2 number of security officers, do you make that  
3 determination over what -- whether you give them a  
4 security shirt or a staff shirt, based on what?

5 A. Right. But just --

6 Q. The contract contracts for security officers.

7 A. If they are in a staffing position, we give them a  
8 staff person.

9 Q. Even though the contract is for security officers or  
10 guards?

11 A. I was not aware that that's what the contract said.  
12 And I'm sure I can pull an old contract to see if that's  
13 actually in there, which it may very well have been  
14 changed for future contracts. But I'm not sure that it  
15 was in the other contract.

16 Q. Or your invoicing, when is it says that you are  
17 invoicing for guards --

18 A. Right.

19 Q. -- it's 287 people. Are they guards that are  
20 wearing security guard shirts?

21 A. No.

22 MS. BAUER: May I bring this up. It's a  
23 question for my own knowledge. I don't know legal stuff,  
24 but is there a way to retract evidence? because that's  
25 private information. I mean, nobody asked that we could

1 give out our figures or numbers as far as that invoice  
2 goes. I mean, that's confidential information. So I'm  
3 just trying to figure out how -- who authorized that  
4 information to be given out? Just for my own knowledge.

5 MR. GURVICH: Let me say this. I can explain.  
6 Nobody authorized it, but the question was asked. Now,  
7 as they say in courtrooms, the cat's already out of the  
8 bag. And had you all asked me for a protective order on  
9 that beforehand, I would have acknowledged it.

10 MS. BAUER: I didn't even know it was going to  
11 be presented.

12 MR. GURVICH: These are the sorts of things  
13 where having legal counsel might have assisted you. If  
14 y'all had asked me for a protective order, I would have  
15 arranged to protect that information. And I can  
16 certainly ask that everyone who has heard it in this  
17 room, please refrain from discussing it. But I don't  
18 have any authority to enforce that rule. It's  
19 unfortunate, but the cat is out of the bag.

20 And that's why you might consider, if you are ever  
21 in this situation again, have counsel come up and ask me  
22 in advance that you have some certain proprietary  
23 information you want protected, and I will order it  
24 protected.

25 But that didn't happen. It came up suddenly.

1 MS. BAUER: Right. I was unaware that they were  
2 presenting that.

3 MR. GURVICH: It came up suddenly. Probably  
4 most competitors know approximately what other people's  
5 rates are anyway, but there's not much I can do about it  
6 at this juncture.

7 MS. BAUER: Right.

8 MR. GURVICH: Now let me ask you this:  
9 Speaking, you know, while we are here, is there any other  
10 proprietary information you wish me to preclude from open  
11 testimony?

12 MS. BAUER: No, sir.

13 MR. GURVICH: That's why sometimes all these  
14 lawyers actually can help occasionally.

15 MS. MCLEARY: Sometimes, sometimes. If I may,  
16 in the regulation of the security, of the private  
17 security industry, you know, the board does have subpoena  
18 power. You guys do have visibility into some things  
19 regularly that are protected that may otherwise be  
20 proprietary. So in the regulation, in determining  
21 whether someone is acting in compliance with law or not,  
22 you know, certain things do need to be known from time to  
23 time.

24 MR. GURVICH: And I would entertain a protective  
25 order in that regard. Then we would have to work it out

1 in the back room and see what's open for public knowledge  
2 and what could be protected. And I would have been  
3 inclined to protect that information. Yes, sir.

4 MR. RODRIGUEZ: I'm sorry, Mr. Chairman, but we  
5 didn't even know about all of this until just now.

6 MR. GURVICH: All of the?

7 MR. RODRIGUEZ: All of the invoices that were  
8 presented by the Dome to the board, until counsel  
9 actually presented it and you requested that we be given  
10 a copy.

11 MR. GURVICH: Well, we are just receiving it  
12 ourselves. That's just the way it works.

13 MR. RODRIGUEZ: I know, but had we known that,  
14 maybe we would have requested that, because it's common  
15 sense for us to know that.

16 MR. GURVICH: Well, is there any question about  
17 of the authenticity of the documents presented?

18 MR. RODRIGUEZ: No, sir.

19 MR. GURVICH: All right. Well, it's your case,  
20 your witnesses.

21 MR. RODRIGUEZ: If I can ask Mr. Paisant a  
22 question, is that possible?

23 MR. GURVICH: Well, I'll allow it if you want to  
24 call him back to the stand. We have kind of let things  
25 happen around here that you might not be able to do in a

1 courtroom. But if you want to re-call him, that is okay,  
2 if there are no objections.

3 MR. RODRIGUEZ: No. That's all right.

4 MS. MCLEARY: I have no objections.

5 MR. GURVICH: No? If you would, Mr. Paisant,  
6 could we ask you to come back up here to take the  
7 microphone. Hold up one second while she is changing her  
8 paper. Okay. We're ready to go back on record.

9 EXAMINATION OF MR. PAISANT BY MR. RODRIGUEZ:

10 Q. I'm sorry. Mr. Paisant, you mentioned earlier that  
11 the invoices and the sign-in sheets that we provided was  
12 by us, correct?

13 A. Yes.

14 Q. And you also mentioned that we actually staff these  
15 positions, correct, based on the order that the Dome  
16 requests?

17 A. That's correct.

18 Q. Okay. So -- and I didn't ask you this earlier, and  
19 I apologize. Is it fair to say that, when you give us  
20 these numbers and this request, we're going to staff  
21 them, but we are going to staff them according to what  
22 you want, based on the requirements by the state, which  
23 means that if it's a security position, we have to staff  
24 that position with a security guard, correct?

25 A. Repeat your question one more time.



1 Q. We staff. You give us the order, the request, for  
2 the staff. And even though there are names on there, we  
3 have to provide an actual security person there, unless  
4 they are a directional person. So we are actually the  
5 ones that's putting these names on these sheets,  
6 correct?

7 A. Let me answer it this way. On this work order that  
8 we send to F.E.S.S., it has "F.E.S.S.," the word either  
9 "security" or "security supervisor" next to it, the  
10 number, and the position. So when you look through this,  
11 and wherever there is F.E.S.S., there is the word  
12 "security" next to it, we as contracting with F.E.S.S.,  
13 would assume that that would be a security person.

14 Q. Correct. Okay. On the invoice, which is the first  
15 invoice that counsel presented to us, it's all listed  
16 under Guards, correct, Security Guards and Supervisors;  
17 those are the only two categories on it, correct?

18 A. Yes, sir.

19 Q. But you also request directional people, people  
20 movers, barricades, but those are not guards?

21 A. I don't think that's a determination that SMG can  
22 make. We send the request to F.E.S.S., and I think  
23 that's a decision --

24 Q. I guess my point that I'm trying to make to you is  
25 that you're just looking at the facts sheet; nothing that

1 | you're doing, this is what you're requesting, but there  
2 | is actual non-working guards that are working at the Dome  
3 | for F.E.S.S., correct, the direction of people, the  
4 | people movers, the staff?

5 | A. Once again, I will say that we are requesting 287  
6 | guards. That determination may be between the security  
7 | contractor and the board for definition of what those  
8 | positions may have. But when we're requesting through  
9 | our contract, we are requesting security guards, we're  
10 | requesting.

11 | MR. RODRIGUEZ: Thank you.

12 | MR. GURVICH: Ms. Lockett has a comment or a  
13 | question.

14 | MS. LOCKETT: I have a question in regard to  
15 | that.

16 | EXAMINATION OF MR. PAISANT BY MS. LOCKETT:

17 | Q. Is there -- are there any steps that are taken by  
18 | SMG, once the event is taking place, to confirm that  
19 | these individuals that you have requested as guards are  
20 | actually guards?

21 | A. What we do is, we have a security manager that is  
22 | responsible for gate management, who goes around and  
23 | ensures that the number that we requested for that gate  
24 | number-wise is there, such as the number of bag checkers,  
25 | number of pat down folks, and so on. So they have a good

1 | idea that those number of people are what we're being --  
2 | eventually going to be filled for and they're present.  
3 | And we follow it up with the invoice and the signed  
4 | papers.

5 | Q. And you automatically assume that, because you  
6 | requested security officers, that that's what you're  
7 | getting?

8 | A. Yes, ma'am.

9 | MR. GURVICH: Further questions for  
10 | Mr. Paisant?

11 | MR. RODRIGUEZ: No, sir.

12 | MR. GURVICH: Thank you. Ms. Vinson.

13 | MS. VINSON: Do you invoice separately for  
14 | people that aren't security officers under different  
15 | title designations?

16 | MS. BAUER: No, ma'am.

17 | MR. KENNEDY: Why?

18 | MS. BAUER: I don't do the invoicing portion of  
19 | it, but our office manager. It's just the way it's  
20 | always been done. I don't think it's ever been  
21 | designated which ones were guards, which ones are staff.  
22 | Being that it's all the same rate, we don't break it down  
23 | any further. We just lump it all together.

24 | MR. GURVICH: Okay. Well, it's still your case  
25 | in chief. Do you have any questions for -- are you

1 finished with, I guess, your witness?

2 MR. RODRIGUEZ: Yes, sir.

3 MS. BAUER: I guess the only question I have is,  
4 if we determined out of those categories which are  
5 security and which are not. I don't know if that's been  
6 determined. I'm not sure.

7 MR. GURVICH: Well, I think that's the crux of  
8 the whole issue. But your case that you wish to present  
9 before the board, is it finished?

10 MS. BAUER: Yes, sir.

11 MR. GURVICH: I mean, is there any cross-  
12 examination that you wish to do of any of the witnesses  
13 or the guards or?

14 MS. MCLEARY: I think we could clarify that  
15 point a tad should the board require it. I mean, I know  
16 you have a working knowledge of what you and the board  
17 have -- I'm sorry -- a working knowledge of what you have  
18 determined constitutes provision of security services or  
19 not. If you would like additional testimony or  
20 clarification as to whether their designations of staff  
21 or directional persons, you know, terms that they have  
22 come up with in their company, if you would like  
23 clarification on that. But I thought that was clear  
24 enough.

25 MR. GURVICH: I just happen to have the laws and

1 the rules right here, which we can get into momentarily.  
2 But I think Ms. Vinson had a comment or a question.

3 EXAMINATION OF MS. BAUER BY MS. VINSON (CONT'D):

4 Q. When an employee receives their paycheck, is it  
5 coming, is it all still coming from F.E.S.S. Security?

6 A. No. It comes from F.E.S.S. Staffing.

7 Q. And their, like, description on their stub, does it  
8 say "guard"?

9 A. It doesn't have a description on it.

10 MR. GURVICH: Well, if you have finished your  
11 case, then you have finished your case.

12 MS. MCLEARY: If I could ask Ms. Bauer, maybe --

13 EXAMINATION OF MS. BAUER BY MS. MCLEARY:

14 Q. What does a barker do?

15 A. They stand out in front of the lines and basically  
16 direct the patrons how to enter the building. If there's  
17 -- we have male and female pat-downs. So males come this  
18 way, females this way. There are people that are  
19 standing out in front, people come with, how do I get in,  
20 where is the box office, where is the -- you know, they  
21 are more informational people standing out in front of  
22 the lines to prevent them from getting all the way up to  
23 a checkpoint where they don't have their ticket or, you  
24 know, or they're in the wrong line, so.

25 Q. What about people movers?

1 A. They are outside with blow horns on all the  
2 perimeter telling people -- they will get calls on the  
3 radios saying, Gate G is bottlenecked, get people to move  
4 Gate H or A. So they are out there telling people,  
5 Please keep moving, don't stand along, you know, Move to  
6 the next gate.

7 Q. And I believe there was a little bit of testimony  
8 about barricade line persons, but what does a barricade  
9 line person do?

10 A. Like I said before, they stand along the barricade  
11 lines. And maybe that's a bad terminology to use, but  
12 that's just because of where they stand. They stand  
13 along the barricades at the gates to direct people how to  
14 enter, because the way that the gates are set up, you  
15 don't go straight into a door. There's barricades that  
16 kind of make it like a loop, so they come in alongside of  
17 the doors. So they stand there to let them know to go  
18 around to the sides and come in.

19 Q. And they wouldn't let them through the barricades  
20 into the areas that are barricaded off?

21 A. That is all attached. I mean, there's no way to  
22 go.

23 Q. If you have been to a parade, you have seen somebody  
24 hop over a barricade.

25 A. There's police officers. There's police officers

1 posted there by the barricades.

2 MS. MCLEARY: Okay. Thank you for your time.

3 MR. GURVICH: To get back to the point, there is  
4 a very broad definition at the beginning of the Security  
5 Law 37:3272, and I think it begins with Subpart 18, a  
6 very broad definition. Now, this board recognized years  
7 ago that there was a potential problem confusing  
8 security with more mundane ticket-taking type of duties.  
9 And so the board passed a rule.

10 And I want to read that rule to you. And it's  
11 enshrined in Section 101, Chapter 1, Section 101,  
12 Part 2. It says: "Professions specifically excluded  
13 from this definition are ticket takers."

14 But there are no -- none of the persons here that we  
15 are dealing with today were ticket takers; is that  
16 correct?

17 MS. BAUER: Correct.

18 MR. GURVICH: Ushers, now, that's an arguable  
19 point which we'll get back to. Wristband monitors, I  
20 don't know if that applies here. Meeting monitors,  
21 parking attendants, crowd counters, badge checkers,  
22 information personnel. So, I mean, maybe there were some  
23 informational personnel and maybe there were some ushers,  
24 you know, that sort of thing.

25 But if you are not enshrined, encapsulated in this

1 little paragraph of the rules and regulations, then you  
2 are still considered security, because I'm pretty sure  
3 that all the other people out there were involved in some  
4 actions where they're going to fall under the very broad  
5 definition of Subpart 18, which is very broad.

6 There an additional problem. I have gone through  
7 some of your individual cases. And some of these people,  
8 during the course of their duties, were transferred from  
9 one role to another.

10 MS. BAUER: They weren't transferred from  
11 roles. That was what was on the sign-in sheet. I wrote  
12 that they were assigned, because that's what they counted  
13 up. So if they were assigned as a Gate B bag checker and  
14 they moved to a barker, they moved paperwork-wise, what  
15 it was listed to be and what they actually did. They  
16 didn't --

17 MR. GURVICH: Well, I think I saw one case where  
18 a guy started off in Position A and was transferred into  
19 Position B --

20 MS. BAUER: Nobody was transferred into the --  
21 I mean, I can clarify.

22 MR. GURVICH: -- or words to that effect.

23 MS. BAUER: Yes. It was the way that they were  
24 -- wherever they were assigned to work and where they  
25 actually worked.



1 MR. GURVICH: All right. So, people movers, of  
2 whom you said there are seven, these guys walk around  
3 with megaphones, blow horns, and tell people what to do?

4 MS. VINSON: So they direct people.

5 MR. GURVICH: Well, they direct people, but,  
6 then again, so do ushers, and ushers are excluded.

7 Barricade lines stand along the lines and direct  
8 folks. Well, they are directing people. So are ushers.  
9 But they are also preventing people from going inside the  
10 barricade. I mean it's -- do you see my point for the  
11 board, not my point, but the board's assertion?

12 MS. BAUER: Right.

13 MR. GURVICH: And I'm going to get to you, sir,  
14 in a moment.

15 Supervisors, well, you know, maybe that's  
16 something. One other thing: There were four Superdome  
17 positions. Do you know of your own knowledge what those  
18 folks did?

19 MS. BAUER: I do not know. I do know that they  
20 went and changed uniforms into a Superdome uniform. They  
21 were not even wearing one of our uniforms, but I do not  
22 know where they were placed once they were handed over.

23 MR. GURVICH: Okay. That presents an  
24 interesting point in its own right. Well, at any rate,  
25 we have the five subcategories we've got to deal with.

1 And as I say, you start from the premise that, quite a  
2 lot of things, virtually everything is covered by  
3 security. Everything that you were doing at the Dome was  
4 covered under the original security statute, unless it  
5 was excluded later by a rule that this board made to try  
6 and cover situations like this. And if you are a ticket  
7 taker or an usher or a badge checker or informational  
8 personnel or a crowd counter or things of that ilk, then  
9 you are not covered.

10 But just most everything else, it strikes me  
11 personally -- I don't know mean to speak for the board --  
12 as something that's covered. So that's the two points of  
13 reference that we're dealing with. And that's why I'm  
14 sure that Ms. Vinson and others are trying to get a  
15 little more definitive idea of what was going on with  
16 when someone is a barricade linesman, say, which is the  
17 majority -- I'm sorry. The barker setting.

18 MS. VINSON: I think she cleared it up for me  
19 when she invoiced for guards. To me, she's -- they are  
20 admitting that they -- they are saying that they provided  
21 that many guards. And when you invoice for guards,  
22 that's what you are providing.

23 MR. GURVICH: Well, let me make this suggestion,  
24 unless someone disagrees strongly. I would appreciate  
25 your final comments on these five categories and

1 responding to questions, at the conclusion of which, we  
2 can, say, taken people movers and you can discuss what it  
3 was they do. And then I or someone will make a motion as  
4 to whether we feel it's covered. And we can go down the  
5 list. Is that acceptable? I think it does address these  
6 items specifically.

7 MR. ROMERO: Mr. Chairman.

8 MR. GURVICH: Yes.

9 MR. ROMERO: Just one question: When --  
10 directed to Mr. Rodriguez. When the board established  
11 the rule that Mr. Chairman is discussing now, if my  
12 memory serves me correctly, you, as well as Mr. Marsh,  
13 were present when that rule was established. And if my  
14 memory serves me correctly, you and Mr. Marsh provided  
15 input specifically as it applied to your business  
16 regarding what were security duties and what were not  
17 security duties. Is my memory serving me correct?

18 MR. RODRIGUEZ: Yes. Mr. Chairman -- but I  
19 wanted to say something, and I'm glad you brought that  
20 up.

21 In the past, there was some discussion. And there  
22 were some other people in the room that we were trying to  
23 clarify what was security, what was directional. And I  
24 can tell you that directional people were just  
25 directional people.

1           It was never really set. They were supposed to vote  
2 on it. They were supposed to bring it up. It went on  
3 for months. We even had transcripts. And that was  
4 supposed to happen. And we never got any notification.  
5 But we did spend an amount of time, and there's several  
6 other people here that were present, and we all had  
7 input.

8           And I can tell you that a person at a barricade  
9 that's closed, that's locked, and you've got a policeman  
10 behind it and we're just there to tell them which way to  
11 go, that wasn't considered security, just like the ticket  
12 takers, just like the ushers, and some other -- required  
13 some other job descriptions.

14           But that was supposed to be voted on. And I guess  
15 it must have happened and we weren't notified. But for a  
16 couple of months, nothing was said to us. But, yes, we  
17 did have that discussion. And everybody in this room  
18 and, of course, with some other folks here, made their  
19 inputs, because security is security.

20           I mean, we do a business that other people don't  
21 touch us, very few. I mean, the Dome can call us and  
22 say, give us an invoice, and say, we need 200 people.  
23 But at the last minute, the day before, they could say we  
24 need 80 more people. You know, those are things that are  
25 hard to manage sometimes.

1 I'm not trying to circumvent this. We -- I  
2 apologize to the board, and my respect to the chairman,  
3 for having these violations. We have been in business 14  
4 years. We've only come before this board once, 120  
5 violations reduced to 6. The times that I have been  
6 here, I have seen and heard other cases. I mean, we are  
7 not perfect. We admit to that. And, again, my apologies  
8 for this.

9 But the job descriptions, specifications have not  
10 been really clear. And this has been an issue that's  
11 been going on for a while.

12 MR. GURVICH: But it is in the law. And you are  
13 charged with knowledge of the law. You are charged with  
14 knowledge of the rules and regulations that are  
15 promulgated pursuant to the law. You get this same book  
16 that I am reading from.

17 MR. RODRIGUEZ: But the last time we had this  
18 discussion about it, there were going to be some changes  
19 made. And the recommendations that we made on that  
20 everybody had input, I have not seen that.

21 MR. GURVICH: Well, we're just dealing with  
22 what's the law today. I mean, that's the bottom line.

23 MR. RODRIGUEZ: I understand.

24 EXAMINATION OF MS. BAUER BY MR. GURVICH (CONT'D):

25 Q. So let me ask you this: People movers, of which

1 | there are seven, they walk around in the crowd with a  
2 | megaphone. Do they have any other duties?

3 | A. No.

4 | Q. All right. The barricadesmen stand by the  
5 | barricades, I would assume --

6 | A. Yes.

7 | Q. And do what?

8 | A. And direct people how to enter into that gate, being  
9 | that you see a door on the other side of the barricade.  
10 | You know, it's more of an informational thing of how to  
11 | go around and enter through the sides because of the way  
12 | that it's set up.

13 | Q. Now, supervisors had on supervisory uniforms and --

14 | A. Yes, sir.

15 | Q. -- they were not provided security duties?

16 | A. Correct.

17 | Q. Okay. Now, with four Superdome positions, which for  
18 | lack of any evidence, I would have to assume that, if the  
19 | Superdome security folks asked for four people, they were  
20 | probably working security. I don't know what else they  
21 | would do.

22 | A. Yeah -- I mean, they have ushering positions as  
23 | well. And I don't know. I couldn't answer that. They  
24 | ask for.

25 | MR. GURVICH: Let me just -- I hate, hesitate to

1 call anybody back for the third trip to the stand, but do  
2 we have definitive knowledge of where these four people  
3 went?

4 MR. PAISANT: No, sir. I know they were -- they  
5 went in security, but they did not go in to be an usher.  
6 They wore security shirts. We asked F.E.S.S for their  
7 TBAs. They sent us four of them, and we placed them in  
8 yellow shirts, which are our security officers.

9 BY MR. GURVICH:

10 Q. We are going to take that as testimony, which  
11 there's no one else to rebut as far as I know. I mean,  
12 this is a gentleman who was there. Is he incorrect?

13 A. No. I'm not -- I can't say one way or the other,  
14 because I don't know. They asked for people. I gave  
15 them to him.

16 Q. Okay. Now, that leaves us with 47 barkers, and, if  
17 you would, once again, elaborate on what their job duties  
18 were on that date.

19 A. Okay. They stand out in front of the line that the  
20 chutes where they have everybody goes to get in to get  
21 bag-checked and to get patted down. They stand in front  
22 of those lines to direct the patrons how to, like males  
23 coming this way, females coming this way. If not, they  
24 all stand in one line, which causes the bottleneck effect  
25 of, you know, people going -- not getting in the building

1 quick enough or causing other problems. They stand right  
2 there and direct who comes this way, who comes this way.

3 They're also a form of -- we actually were told  
4 specifically to make sure that we were telling people  
5 where the box office was, will-call, things like that.  
6 So these people were posted out in front to intermingle  
7 with the crowds and make the -- you know.

8 Q. And you're saying that they never become involved in  
9 the pat down activity --

10 A. No, they did not.

11 Q. -- or the search activity?

12 A. No, they did not.

13 MR. GURVICH: Further comments or questions of  
14 any of -- you board members are more than welcome to help  
15 me out.

16 MR. ROMERO: Mr. Chairman.

17 MR. GURVICH: Mr. Romero.

18 MR. ROMERO: I find it very much of a reach to  
19 think that the barricade people are not involved in some  
20 type of security action. Even with the law enforcement  
21 being present, I just think it's a reach. It's my  
22 personal opinion that it's a reach not to think that --  
23 again, Superdome is hiring you and they're requesting  
24 security officers. Your invoice says security officers.  
25 They are working in conjunction with law enforcement,



1 | because, I would imagine, there's many more of your  
2 | people than law enforcement. If someone tries to breach  
3 | the barricades, is it your testimony that, in no  
4 | circumstance would they try to prevent someone from going  
5 | over the barricade or, if someone tries to move the  
6 | barricade, that they wouldn't try to prevent them from  
7 | moving that barricade? Is that your testimony?

8 | MS. BAUER: I would say that, first of all, they  
9 | would not prevent anybody from going over the barricade,  
10 | because they are not allowed to touch the patrons. They  
11 | are not allowed to put their hands on anybody. As far as  
12 | moving the barricades, I don't think they could move them  
13 | because of the length of the barricades and the way that  
14 | they are interlocked, you know.

15 | And I want to make it clear too, I'm not trying to  
16 | get out of -- if I would have known it was a security  
17 | position, I would have done applications on them just  
18 | like I did the rest of the security positions. You know,  
19 | that's -- you know, that was my misunderstanding of what  
20 | they -- I knew what they were doing, but the  
21 | interpretation that it could have been that they were  
22 | doing security, that's where I messed up, I guess.

23 | MR. ROMERO: And, again, it just seems, to me,  
24 | to be a reach. The barricade itself is something that  
25 | directs the flow of traffic, that there's no need for

1 individuals to direct the flow. The barricade by being a  
2 barricade directs the flow.

3 MR. RODRIGUEZ: When you -- excuse me, if you  
4 don't mind me explaining.

5 MR. ROMERO: Sure.

6 MR. RODRIGUEZ: When you have that amount of  
7 people there, they just tend to stay there and don't want  
8 to move. They want to talk amongst each other and  
9 conjugate. That's why the barricade is there, to keep  
10 them corralled in there. But the police officer is there  
11 to take care of any, any mischief or any type of security  
12 activity. We were just there to just tell them, keep  
13 moving, you know, and tell them which way to go and -- or  
14 any questions they may need. And that was it.

15 It's not -- and they wear staff uniforms. They had  
16 a staff shirt on, didn't have on a security shirt. You  
17 know, again, that's -- you know, it's another vague  
18 line. We understand that it's just directional.

19 MR. GURVICH: Any further comments or  
20 questions? I've got a couple of motions or I guess we  
21 will move into our factfinding part of this. I would  
22 like to poll the board as regards the seven people  
23 movers. How many of you think they perform what we would  
24 consider a security function? And, I don't know, roll  
25 call.

1 MR. BAER: I have a question.

2 MR. GURVICH: What's your question directed to?

3 EXAMINATION OF MS. BAUER BY MR. BAER:

4 Q. Getting to that, like the people movers, who would  
5 relieve these officers to use the rest room; would that  
6 be the supervisor or the people movers?

7 A. No.

8 Q. Who would relieve them?

9 A. When they are doing a gate, they have, when a ticket  
10 taker shuts down and goes on break, that's when they go  
11 on break, so the whole lane shuts down at one time. So  
12 like our bag checkers and our pat down person that is  
13 associated with those ticket takers, when the ticket  
14 taker -- their door to go on break, that's when my lane  
15 of people go on break. So they are not relieved.

16 MR. GURVICH: Well, in terms of factfinding, I'd  
17 like to poll the board members. How many of you feel  
18 that the people movers, the seven people movers,  
19 performed security functions? And if we could poll the  
20 members, I guess, would be the best way to do this.  
21 Somebody poll the members.

22 (Ms. Ryland polls board members.)

23 MR. GURVICH: Nay.

24 MS. VINSON: Yes.

25 MR. BAER: Yes.

1 MR. COTTON: Yes.

2 MR. KENNEDY: Yes.

3 MS. LOCKETT: No.

4 MR. ROMERO: No.

5 MR. GURVICH: Okay. The board finds that the  
6 seven people movers are in fact security officials by a  
7 vote of four yeas and three nays.

8 Now, on the subject of the barricade linesmen, and I  
9 will go to the barkers last, my question for you is, are  
10 they considered security?

11 MS. VINSON: Can you read the definitions.

12 MR. GURVICH: The barricade linesmen? I'll let  
13 Ms. Bauer can direct or answer your question. Once  
14 again, what was their specific function or duty or  
15 duties?

16 MS. BAUER: To explain to the patrons how to  
17 enter the building.

18 MR. GURVICH: Barricade lines?

19 MS. BAUER: Yes.

20 MR. KENNEDY: Didn't you say earlier --

21 MS. BAUER: Direct?

22 MR. KENNEDY: -- to control the direction to  
23 keep the thing flowing?

24 MS. BAUER: Right. They're here. The  
25 barricades are in the middle of the gate, whereas the

1 | entrances are on the sides of the gates. So they are  
2 | there, and they are telling them how to enter to the  
3 | gate. People come by and say -- on their tickets, it  
4 | will say what gate they have to enter in, although they  
5 | don't have to, because it's a circular building. They  
6 | don't understand. If they see Gate D, they will say I  
7 | don't know how to get into Gate D. And they will tell  
8 | them, you can come right around here and come in our gate  
9 | if they're at Gate E. They direct the people how to  
10 | enter in the building.

11 |           MR. GURVICH: All right. If we can poll our  
12 | members on the barricade line and whether they perform  
13 | security functions.

14 | (Ms. Ryland polls board members.)

15 |           MR. GURVICH: No.

16 |           MS. VINSON: Yes.

17 |           MR. BAER: Yes.

18 |           MR. COTTON: Yes.

19 |           MR. KENNEDY: Yes.

20 |           MS. LOCKETT: Yes.

21 |           MR. ROMERO: Yes.

22 |           MR. GURVICH: Okay. So the board finds by vote  
23 | a six to one that the barricade linesmen are in fact  
24 | security.

25 |           Now, on the four supervisors, I would again like to

1 | poll the board as to whether they fulfill the security  
2 | functions.

3 | (Ms. Ryland polls board members.)

4 | MR. GURVICH: No.

5 | MS. VINSON: Yes.

6 | MR. BAER: Yes.

7 | MR. COTTON: Yes.

8 | MR. KENNEDY: Yes.

9 | MS. LOCKETT: No.

10 | MR. ROMERO: Yes.

11 | MR. GURVICH: Okay. The board finds that the  
12 | supervisors fulfill a security function by a vote of five  
13 | to two.

14 | Now, on the four Superdome positions, let's again  
15 | poll the board staff -- I'm sorry, board members as to  
16 | whether they are considered security.

17 | (Ms. Ryland polls board members.)

18 | MR. GURVICH: Yea.

19 | MS. VINSON: Yes.

20 | MR. BAER: Yes.

21 | MR. COTTON: Yes.

22 | MR. KENNEDY: Yes.

23 | MS. LOCKETT: Yes.

24 | MR. ROMERO: Yes.

25 | MR. GURVICH: Okay. The board finds unanimously

1 | that the four Superdome positions are in fact security.

2 |       And now we go to the 47 barkers. Are there any  
3 | further comments or questions before we proceed to the  
4 | polling of the board members?

5 |       MR. KENNEDY: Would you read us that definition  
6 | one more time, Mr. Chairman.

7 |       MR. GURVICH: Well, I'm going to let Ms. Bauer  
8 | do that.

9 |       MS. BAUER: The barkers stand in front of the  
10 | line, the chutes, where people enter in order to get  
11 | bag-checked or pat down. They stand in front and they  
12 | would tell the people, this is the male line, this is the  
13 | female line. They also are there as an informational  
14 | person to tell people where certain items are: box  
15 | office, will-call, things like that.

16 |       MR. GURVICH: Okay. Anything, any further  
17 | comments or questions? Okay. Then let's poll the board  
18 | members.

19 | (Ms. Ryland polls board members.)

20 |       MR. GURVICH: Nay.

21 |       MS. VINSON: Yes.

22 |       MR. BAER: Yes

23 |       MR. COTTON: Yes.

24 |       MR. KENNEDY: Yes.

25 |       MS. LOCKETT: No.

1 MR. ROMERO: No.

2 MR. GURVICH: The board finds by a vote of 4  
3 yeas and 3 nays that the 47 barkers also fall within the  
4 purview of a security function.

5 MS. MCLEARY: Mr. Gurvich, if I could, this  
6 presents a little issue. We just have to make sure -- I  
7 don't know the numbers in those categories, if they added  
8 up to the 71 -- 69 -- 67?

9 MR. GURVICH: Let's go with the lowest number.  
10 And we are giving you a break there, so --

11 MS. MCLEARY: The only reason I bring it up is  
12 because Mr. Thornton did not count those listed as people  
13 movers in his initial listing of violations.

14 MS. BAUER: Those were my TBAs that moved to the  
15 position of people movers.

16 MS. MCLEARY: No. There were positions listed  
17 as people movers, so.

18 MR. GURVICH: Well, they say that it was seven  
19 people, and I'm prepared to accept it.

20 MS. MCLEARY: Okay.

21 MR. GURVICH: So the board has therefore found  
22 that these additional 69 individuals did in fact fall  
23 under the purview of security. So the question now  
24 becomes what fines or disciplinary action the board  
25 wishes to assess. Now, remember, there has been a



1 previous stipulation about 90 of these violations. And  
2 we now have a factfinding determination that an  
3 additional 69 occurred. Chief.

4 MR. ROGILLIO: I just want to comment, bear in  
5 mind, whatever penalties you assess, the applications  
6 that were never turned into this office are still --  
7 either they may have been turned in today. I am not sure  
8 if they brought them with them or not. But those  
9 applications are going to be late. Each one of those  
10 applications is late. That's a fine.

11 MR. GURVICH: Well, it's not in this Charge  
12 Letter, so we can't address it. But you can later.

13 MR. ROGILLIO: We can assess that.

14 MR. GURVICH: But I am strictly concerned here  
15 today with this Charge Letter of May 23rd, 2012. So  
16 that's not relevant to today's purposes. All right. The  
17 floor is open. Do we have a motion?

18 MR. BAER: I have a question on that.

19 MR. GURVICH: Mr. Baer.

20 MR. BAER: So we know that there is a violation,  
21 but you can't address it now? I mean, if they have not  
22 received any of these applications, we know that's a  
23 fine.

24 MS. MCLEARY: Would we move to amend the --

25 MR. GURVICH: I wouldn't do that. They're here.

1           MR. BAER: Otherwise, they're going to come back  
2 and do the same thing.

3           MR. GURVICH: Well, I may do that. But let me  
4 tell you this. This is an Administrative Procedure Act  
5 hearing. This is, if you will, a Bill of Information on  
6 a Charge Letter here. And this is the total universe of  
7 what we can address today. To go beyond that effects  
8 (inaudible) constitutional and other issues. There may  
9 be other problems down the road with these late fees and  
10 so forth. It's not in this letter, and we're here today  
11 to deal with these charges in this letter.

12           MS. MCLEARY: And, Mr. Gurvich, isn't that  
13 typically dealt with by a staff action?

14           MR. GURVICH: Yes.

15           MS. MCLEARY: And then appealable. So it could  
16 be dealt with by staff action should that determination  
17 be made.

18           MR. GURVICH: Now, do we have a motion?

19           MR. COTTON: Mr. Chairman.

20           MR. GURVICH: Is that Mr. Cotton down there?

21           MR. COTTON: Yes, sir.

22           MR. GURVICH: The floor the yours.

23           MR. COTTON: Of course, I want to cover any of  
24 the administrative fines, including our witness fees, if  
25 that's appropriate, for these gentlemen. We had two we

1 | wanted to bring up. Each one of these counts, my move,  
2 | it would be a \$250 per violation, plus six months'  
3 | suspension of the license with an audit.

4 | MR. GURVICH: That's six months' suspension, not  
5 | probation?

6 | MR. COTTON: No, sir.

7 | MS. RYLAND: With an audit when?

8 | MR. COTTON: Any time during that, during the  
9 | six months.

10 | MR. GURVICH: And what are our fees and costs?

11 | MR. ROGILLIO: \$125.

12 | MR. GURVICH: By the way, there is, somewhere in  
13 | here, to suspend or revoke a license, we have to have a  
14 | certain minimum number of votes.

15 | MR. ROGILLIO: We have witness fees,  
16 | Mr. Gurvich.

17 | MR. GURVICH: All right. So you have a witness,  
18 | the administrative fees.

19 | MR. ROGILLIO: The \$125.

20 | MR. GURVICH: So \$125 and 159 violations at \$250  
21 | each, does anybody have a calculation?

22 | MS. MCLEARY: Mr. Gurvich, you had asked to --  
23 | the law of just the majority of the voting members of the  
24 | board shall constitute a quorum for all purposes,  
25 | including granting or issuing of licenses, rule-making,

1 in an adjudicative function.

2 MR. GURVICH: There's something else about  
3 revocations and suspensions.

4 MS. MCLEARY: Okay. It does say all actions.  
5 (Off the record discussion.)

6 MR. RODRIGUEZ: Mr. Chairman.

7 MR. GURVICH: I'm going to get to you in a  
8 minute. I'm just doing housekeeping right here.

9 MS. MCLEARY: All right. Mr. Gurvich, four  
10 concurring votes of the board shall be required for the  
11 revocation of any license.

12 MR. GURVICH: Does it say suspension?

13 MS. MCLEARY: It does say -- no, sir. Just  
14 revocation.

15 MR. ROGILLIO: No. It says suspension.

16 MS. MCLEARY: Not right there.

17 MR. ROGILLIO: Right here. Look.

18 MS. RYLAND: Y'all are looking at two different  
19 things.

20 MS. MCLEARY: Oh, yes, sir. Again, four.

21 MR. GURVICH: Four concurring votes, which is a  
22 majority anyway.

23 MS. MCLEARY: Right.

24 MR. GURVICH: All right. So 39,875 total fines  
25 and costs, \$39,875. That includes the \$125 admin fee.

1 Now, do we have a second to Mr. Cotton's motion?

2 MR. KENNEDY: I'll second.

3 MR. GURVICH: Second by Mr. Kennedy. So we have  
4 a motion on the floor. Now, final debate/discussion.  
5 Everybody will have a chance to speak their piece.  
6 Mr. Romero.

7 MR. ROMERO: I didn't mean to interrupt.

8 MR. GURVICH: The floor is yours.

9 MR. ROMERO: Mr. Cotton, would you consider  
10 amending your motion to not allow for the suspension,  
11 based on the amount proposed for the fine?

12 MR. COTTON: I would, but I'd like to substitute  
13 that to, if not suspension, then at least probation for  
14 six months.

15 MR. GURVICH: All right. Mr. Cotton is --

16 MR. COTTON: With the audit.

17 MR. GURVICH: All right. He is asserting that  
18 we change the word "suspension" to "probation." Any  
19 objection to the board members to that amendment? Okay.  
20 Then we will proceed on the motion as amended. An audit,  
21 I guess, would occur in the course of, what, six months?

22 MR. ROGILLIO: Six months.

23 MR. GURVICH: Okay. All right. Final words.  
24 Board?

25 MS. MCLEARY: No, sir.

1 MR. GURVICH: Ma'am?

2 MS. BAUER: Yes. I want to ask, being that with  
3 those 90 violations that we admitted that were doing  
4 security positions, we do have those applications. I do  
5 have the termination paperwork on that. It was all done  
6 in a timely manner. It was just not turned in, which I  
7 completely took that fault. I did not turn it in.

8 So I'm asking if there's any way, at least with  
9 those 90, by turning those in, if the penalty can be --  
10 the fine can be lowered by turning those in and not have  
11 the same outcome for both the 90 and the 69?

12 MR. GURVICH: Well, it's Mr. Cotton's motion.

13 MR. COTTON: I'm going to stand.

14 MR. GURVICH: All right. Further  
15 comments/questions/debate/discussion? If not, I will  
16 call -- Mr. Rodriguez.

17 MR. RODRIGUEZ: Yeah. I'd like to ask the board  
18 to consider this. This is, respectfully, we apologize.  
19 This is something that's not for us to do. We normally  
20 are on top of everything. Unfortunately, we had too much  
21 events. And we -- you know, it's not excuse, but it  
22 happened. We have been in the business 14 years. Your  
23 intent, I know, is not to hurt us. All we're asking is  
24 that, when you make your votes, consider, you know, what  
25 we have to lose as well.

1 I mean, I have employees. I have staff. And it's a  
2 lot of people it's going to hurt. I mean, this may put  
3 me out of business. But I just ask the board to consider  
4 it. You know, we have never been up here before, except  
5 for today and one year ago, and we were able to take care  
6 of that. We're not chronic violators, but, you know, we  
7 do ask that you consider this. I mean, this is  
8 livelihoods for all of us. Thank you.

9 MR. GURVICH: Okay. Now let us poll the  
10 members.

11 (Ms. Ryland polls board members.)

12 MR. GURVICH: Nay.

13 MS. VINSON: Yes.

14 MR. BAER: Yes.

15 MR. COTTON: Yes.

16 MR. KENNEDY: Yes.

17 MS. LOCKETT: Nay.

18 MR. ROMERO: Yes.

19 MR. GURVICH: Okay. The motion passes, five  
20 yeas, two nays. And you all have 30 days to pay the fine  
21 and perhaps, I don't know, considering the amount of the  
22 fine, perhaps you could give them some leeway.

23 MR. ROGILLIO: You can make a motion to that  
24 effect.

25 MR. GURVICH: I make a motion to give them up to

1 90 days to pay the fine?

2 MR. ROGILLIO: That's fine.

3 MR. ROMERO: Second.

4 MR. GURVICH: Any second -- all in favor say  
5 aye.

6 ALL BOARD MEMBERS: Aye.

7 MR. GURVICH: Any opposed? Thank you. The  
8 motion passed unanimously.

9 MS. VINSON: I'd like to make another motion.

10 MR. GURVICH: The floor is yours, Ms. Vinson.

11 MS. VINSON: If F.E.S.S. gets the applications  
12 in within -- do you have them ready now? Are they with  
13 you?

14 MS. BAUER: Yes.

15 MS. VINSON: Okay. If they get them in within  
16 -- we will not charge any late fees for the applications,  
17 so if they get them in within three days, we'll waive all  
18 late fees.

19 MR. GURVICH: I'll second the motion. Debate?  
20 Discussion? Chief.

21 MR. BAER: Quick question.

22 MR. GURVICH: Well, Chief was first.

23 MR. ROGILLIO: You're not waiving all fees?

24 MS. VINSON: No. Late fees.

25 MR. ROGILLIO: Okay. Just the late fees. Okay.



1 I wanted to understand that.

2 MS. RYLAND: The fine, the administrative fine.

3 MS. VINSON: Yeah, the administrative.

4 MR. BAER: You say you have all those with you  
5 today?

6 MS. BAUER: The 90, yeah -- yes.

7 MR. BAER: Are you talking about the ones you  
8 agreed to?

9 MS. BAUER: The 90, yes.

10 MR. BAER: But the other 69, no?

11 MS. BAUER: They didn't have applications,  
12 because I put them into what I thought were staffing  
13 positions.

14 MR. GURVICH: Well, we have a motion. All in  
15 favor of the motion as stated say aye.

16 ALL BOARD MEMBERS, EXCEPT MR. BAER: Aye.

17 MR. GURVICH: Okay. The motion passed  
18 unanimously.

19 MR. BAER: No.

20 MR. GURVICH: No? I'm sorry. One dissent.  
21 Motion passes six yeas, one nay. I would suggest this to  
22 you: I dissented. These problems are egregious. I  
23 don't regard it as the board's fault that they haven't,  
24 you know, enunciated precisely what you're doing as to  
25 whether it's security or not. We will never be able to

1 address every individual activity at these sites. There  
2 seems to be a systemic failure here. I voted against the  
3 motion, because I agreed with your point that we should  
4 have assessed the lesser fine for the 90 violations in  
5 particularly. But there is a real problem. And I hope  
6 you guys address it. Now, I think it was that the  
7 probation is for how long?

8 MS. VINSON: Six months.

9 MR. GURVICH: Six months. It could have been  
10 for longer. So I would certainly clarify, in the future,  
11 Chief, if there is a question about whether something is  
12 going to be security or not, I'm sure that the board and  
13 the staff would try and be as helpful as possible to try  
14 to determine what was and what wasn't security.

15 MR. ROGILLIO: Well, I think we did just that in  
16 this case. I mean, Mr. Thornton went through there. And  
17 everything that was security in our opinion is what they  
18 were charged with. All those others, he didn't even  
19 consider.

20 MR. GURVICH: And I know you all will be  
21 available if they have any questions about things in the  
22 future and the different venues and programs, whatever  
23 they may be, you know, trying to service.

24 Go to board for help.

25 Ms. Vinson, did you have a comment or a question?

1 MS. VINSON: No.

2 MR. GURVICH: Anyway, anything further on this  
3 point? Thank you for being here. I'm sorry we couldn't  
4 help you with the findings.

5 That completes the hearings, right?

6 **NEW BUSINESS, S.A.F.E. MANAGEMENT**

7 MR. ROGILLIO: Yes, sir, it does. We have the  
8 issue of the S.A.F.E. Management thing that we probably  
9 ought to --

10 MR. GURVICH: S.A.F.E. Management. Do you want  
11 to present that to the board?

12 MR. ROGILLIO: Yes, sir, I'd like to. If I can  
13 explain, as you all probably know, the Super Bowl is  
14 scheduled to be held in New Orleans next year. There is  
15 a company by the name of S.A.F.E. Management that is a  
16 security company that we have caused them to get licensed  
17 with this board.

18 Now, the issue is, and I have -- they have e-mailed  
19 me, with they want a response from me about what the  
20 problems are with personnel, that they are going to  
21 employ people who are going to be registered with other  
22 companies such as ABC Company. But they are going to  
23 wear the uniform of S.A.F.E. Management, which is a  
24 problem, because, in the rule, it says that they have to  
25 wear the uniform for the company they are employed by.

1           So I talked to Mr. Blackburn, who could not be here,  
2 as you well know, today. And he said that he thought  
3 that maybe what the board might want to consider as an  
4 option if y'all so do so, is to suspend that rule by an  
5 emergency rule for this purpose of the Super Bowl only.  
6 Otherwise, they would have to register with S.A.F.E.  
7 Management as their personnel, even though they are  
8 already registered with whatever company.

9           MR. GURVICH: Right. This has to do with people  
10 who are already registered here. And the problem isn't  
11 S.A.F.E. Management. It is that the NFL absolutely  
12 mandates the wearing of a specific uniform, which, I  
13 think, is just a red shirt and khaki pants. The concern  
14 they had is that -- S.A.F.E. Management has indicated, by  
15 my likes, anyway, as they really do want to comply with  
16 our laws, but there is an issue. If you had XYZ Security  
17 Company in a S.A.F.E. Management uniform, would they have  
18 to be registered and repay all the fees and this would be  
19 something that would happen for a week.

20           MS. VINSON: What about dual?

21           MR. GURVICH: Well, for dual, the cost there  
22 would be --

23           MR. ROGILLIO: I suggested to -- well,  
24 Mr. Gurvich and I discussed this with the gentlemen, two  
25 gentleman, with S.A.F.E. Management. They are --

1 understand, they are following all the guidelines of the  
2 NFL, which is major, and they want to do everything --

3 MR. GURVICH: The security check that the NFL is  
4 going to mandate on all these people is probably a lot  
5 more than ours.

6 MR. ROGILLIO: Right. They're going to do  
7 federal checks, not by fingerprints, but they're going to  
8 do federal checks as I'm told. But, again, for us, the  
9 problem is that they would be wearing a S.A.F.E.  
10 management uniform, but they might be registered with  
11 your company, which is a problem.

12 MS. VINSON: Right. But if they do a dual  
13 registration --

14 MR. ROGILLIO: Well, that's what I had  
15 originally suggested. I think what it is, they don't  
16 want to have to pay the fee, maybe.

17 MS. VINSON: What's the fee for a dual  
18 registration?

19 MR. ROGILLIO: Well, if they only work less than  
20 20 days, it's only going to be \$40.

21 MR. GURVICH: Well, and it's \$30 if they were  
22 just temporary registrants?

23 MS. RYLAND: No.

24 MR. ROGILLIO: If it's an emergency assignment,  
25 it's \$30. And this is not an emergency.

1           MR. GURVICH: I'm not sure -- so here's the --  
2 I'm not sure they are in violation, because they are  
3 wearing a specific uniform from S.A.F.E. But from my  
4 understanding, the hang tag will have -- a large hang tag  
5 will have the name of the security company for whom the  
6 individual actually works.

7           MR. ROGILLIO: Right.

8           MR. GURVICH: So you will have a company ID on  
9 the person, but it won't be the uniform. It will be the  
10 ID. But I think we should stipulate it would have to be  
11 at least three-quarters- or one-inch-high letters.

12           MR. ROGILLIO: The rule that we operate under  
13 says that they have to wear the uniform of the company  
14 they are employed by. And S.A.F.E. Management is going  
15 to contract with XYZ and pay XYZ X-number of dollars to  
16 turn around and pay those employees, so --

17           MS. MCLEARY: And if I could, rather than  
18 suspension of that rule, would be, there is time. I  
19 mean, it's June. There is sufficient time. We will be  
20 getting into the fall, but we will be part of that  
21 process to either amend that for -- address the specific  
22 one rather than suspend it, because we don't suspend it  
23 for one company. If we suspend that rule, it's for  
24 everyone.

25           MR. ROGILLIO: But, see, Frank said, if you do

1 | it by emergency rule -- let's say you request suspension  
2 | of the rule. It's only good for 90 days, and it  
3 | expires. So if you did a rule suspending the current  
4 | rule for 90 days, it's going to expire in that 90 days,  
5 | and we go back to the original rule that was in place.

6 | MR. GURVICH: Is this a law, or is it a rule?

7 | MR. ROGILLIO: This is a rule.

8 | MR. GURVICH: Can we get a copy of that,  
9 | please?

10 | MR. ROMERO: Is the issue just the uniform, or  
11 | is it the registration? because if it's just the  
12 | uniform, couldn't the companies that are participating in  
13 | the program submit the uniform for approval?

14 | MR. ROGILLIO: Well, S.A.F.E. Management has  
15 | already submitted the uniform that they are going to use  
16 | and they are going to provide. But it may be somebody,  
17 | say, from your company who is going to be wearing a  
18 | S.A.F.E. Management uniform, which would cause a  
19 | violation of that rule.

20 | MR. GURVICH: He is suggesting that, say, if his  
21 | company would submit a picture with a S.A.F.E. Management  
22 | uniform.

23 | MR. ROMERO: And you would have to approve it.

24 | MS. RYLAND: No, because your company has to  
25 | have a patch that states the name of your company on the

1 uniform.

2 MR. ROGILLIO: And they don't want -- obviously  
3 going to hire something like 2,000 people. And they  
4 don't want to have 2,000 different uniforms. So they are  
5 going to provide the uniform. They are going to do the  
6 background. They're going to do like a five-hour  
7 training which is not for us to worry about, because it's  
8 not the 16 hours that we require. But they are going to  
9 do some training, and they're going to provide the  
10 uniform. But they are going to go out and hire people  
11 who are already, so they say, already registered as  
12 security officers, whether they be with Company A,  
13 Company B, Company C, or whatever. They're probably  
14 going to have to hire from a lot of companies.

15 MS. VINSON: Right. Like is there a plan to  
16 come in and say, hey, I need ten people from you for you  
17 to turn over to me for, you know, two weeks?

18 MR. ROGILLIO: It's my understanding that they  
19 are going to obviously solicit from licensed companies.  
20 And they specifically said that they wanted to follow the  
21 letter of the law and the companies would have to be  
22 licensed and the guards would have to be registered;  
23 otherwise, they don't want it.

24 MS. RYLAND: They want your registered guard  
25 using your card, wear their uniform. That's what they



1 | want.

2 | MS. VINSON: Right. But working like their  
3 | schedule and --

4 | MR. GURVICH: Here's what it says. It says,  
5 | after 110-A (as read by chairman): "All uniforms worn  
6 | by security officers shall contain the name of the  
7 | company for whom they are employed."

8 | Now, they indicated there will be a relatively large  
9 | hang tag issued, credential issued with the uniform.  
10 | Now, they have agreed that the hang tag will contain the  
11 | name of the subcontracting security company.

12 | Now, that may, to me, meet the requirement of the  
13 | law, especially, as I suggested and now "Chip" has  
14 | suggested, that companies which seek to do this work send  
15 | in the photograph of S.A.F.E. Management's deal as will  
16 | be their uniform for a limited period of time.

17 | MS. MCLEARY: There are different requirements  
18 | in the law also. That was just about to whose  
19 | uniform you have to use, but there are additional uniform  
20 | requirements in the law that I'm getting you now.

21 | MS. VINSON: I have a question.

22 | MR. GURVICH: It's in the statute?

23 | MS. MCLEARY: Yes, sir.

24 | MR. GURVICH: Okay. Shoot me down.

25 | MS. MCLEARY: I'm getting you that now.

1 MS. VINSON: Is there -- I'm wondering too, is  
2 there a different, like, dual application that we can  
3 come up with just for this purpose and have --

4 MR. ROGILLIO: Well, our application --

5 MS. VINSON: -- and have like another like  
6 smaller fee for it, you know?

7 MR. ROGILLIO: Well, again, if they only work  
8 less than 20 days, it's going to give me \$30 to begin  
9 with. But if they wanted to --

10 MS. RYLAND: It's going to be \$40.

11 MR. ROGILLIO: \$40. I'm sorry. If they wanted  
12 to dual-register those people, then that solves the  
13 problem without having to go into the rule. And that  
14 would be the way to do it.

15 MS. VINSON: That's what I'm thinking.

16 MR. ROGILLIO: Yes.

17 MR. KENNEDY: I don't see this as an emergency,  
18 so I can't justify making this an emergency rule change.

19 MR. GURVICH: Ms. Lockett had a comment or a  
20 question.

21 MS. LOCKETT: That's what I was getting ready to  
22 say, that --

23 MS. MCLEARY: Most of the time it's  
24 health/safety welfare kind of emergency that they allow  
25 us to suspend the rules for. I am specifically aware of

1 another similar board, Private Investigator Examiners,  
2 who suspended a rule by emergency in it. And it has  
3 become a problem.

4 MS. VINSON: I realize it's going to be an  
5 overwhelming amount of people. And I'm thinking, with  
6 the dual app, is there a way that we can suspend the dual  
7 app fee, or the dual application fee, for a period of  
8 time that covers -- am I making sense? For a period of  
9 time that covers that.

10 MS. RYLAND: I don't think the issue is that. I  
11 think the issue is the other company wearing the S.A.F.E.  
12 Management uniform.

13 MS. VINSON: Right, but if they do a dual  
14 application with the S.A.F.E. Management and --

15 MS. RYLAND: But it's already the rule what the  
16 fee is.

17 MS. VINSON: -- if it comes in under this  
18 company, then there is no fee for it, and then they get  
19 to wear that uniform.

20 MR. ROGILLIO: Well, the issue might be, if it's  
21 your company that contracts with them, are you going to  
22 pay the \$30 fee, or are you going to expect them to pay  
23 it? That's going to be the issue. But that's something  
24 that you can work out.

25 MS. VINSON: Is there a way, a time period, we

1 | can waive the fee?

2 | MR. ROGILLIO: Yes. But that's something you  
3 | can work out with S.A.F.E. Management in the contract  
4 | issue. Okay? But I'm saying that the dual registration  
5 | is probably the easiest and simplest way to get done with  
6 | this.

7 | MS. VINSON: But my question is: Can we as a  
8 | board like suspend the dual app fee?

9 | MR. ROGILLIO: I think you are going to cross a  
10 | threshold when you do that, where some other people who  
11 | have to pay it are going to not like it, but that's --

12 | MR. GURVICH: Let me posit this: Let's assume  
13 | that XYZ Security Company sends in to the board a full-  
14 | length photograph as required in the statute of somebody  
15 | wearing a S.A.F.E. uniform with the XYZ identifier hang  
16 | tag on that person's shoulder or collar. Does that meet  
17 | the requirement, I mean?

18 | MR. ROGILLIO: I don't think so. Maybe our  
19 | attorney can say whether it does or not, but.

20 | MS. MCLEARY: I didn't hear that. I'm sorry. I  
21 | am looking for something.

22 | MR. ROGILLIO: He's saying, if they wear a hang  
23 | tag that has the identifier of whatever company it is  
24 | they are registered with, does that suffice?

25 | MS. MCLEARY: I mean, the intent was clearly to

1 | be able to clearly identify through an entire uniform  
2 | that you work for a certain company. I mean, that was  
3 | the intent. But there would be and could be -- there is  
4 | a uniform uniform, a consistent uniform, among these  
5 | people. They will all be clearly working an event.

6 | I mean, we could amend, maybe amend the rule to  
7 | allow for, and this would maybe have unintended  
8 | consequences, you know, the uniform of the employer or  
9 | person whom your employer contracts with for a certain  
10 | service, and we could tailor it a little bit better.

11 | But I don't know if, as it exists now, just the hang  
12 | tag. You do have to identify -- you could allow that. I  
13 | think you as a board could say the uniform of your  
14 | employer could constitute a hang tag of sufficient size  
15 | to be able to identify. If that's the point of it, to be  
16 | able to identify which company they are working for, if  
17 | that's sufficient to do that, then y'all could, you could  
18 | adopt it.

19 | MR. BAER: This rule says "affixed to."

20 | MS. MCLEARY: It could be a patch. I don't  
21 | know. You could put your patch on the left side. I  
22 | mean, is it the red shirt and the khakis and put -- I  
23 | don't know.

24 | MR. GURVICH: A metal badge would probably  
25 | suffice or a plastic identifier ID.

1           MR. ROGILLIO: It was my understanding in the  
2 meeting with Mr. Kevorkian that they have a uniform that  
3 they want them to wear done. They don't want anybody  
4 else's patch on their -- whatever logo they have for  
5 S.A.F.E. Management is all they want, but they do want to  
6 have the name tag. I don't think that suffices as far as  
7 the uniform issue goes. I think, again, the dual  
8 registration.

9           MR. GURVICH: Well, the name tag clearly  
10 identifies, and I'm not talking about quarter-inch-high  
11 letters. I'm saying, you know, something that would say  
12 XYZ Security Company and that would perhaps be a minimum  
13 of 1 inch by 11, you know, something to that effect,  
14 which would be at least identifiable as a badge or a  
15 patch.

16           And if you went to that extent, let's assume that  
17 the contracting security company is sending a S.A.F.E.  
18 Management uniform with the hang tag showing their  
19 identifier and that it was a very large event, you know,  
20 one-inch-high letters, three-quarter-inch-high letters.

21           MS. MCLEARY: You wouldn't approve that.

22           MR. ROGILLIO: That would have to be -- you guys  
23 are going to have to take that bullet. I don't want to  
24 take it.

25           MS. RYLAND: We have to be careful, because this

1 is going to open a can of worms for a lot of other  
2 people.

3 MR. GURVICH: Well, this is the premier sporting  
4 event in the country. And I think some allowance needs  
5 to be made for the fact that there are extremely intense  
6 security measures here, greater than ours, I would think.

7 MS. VINSON: It's an extremely intense and it's  
8 a huge money maker. What's the big deal with a \$40  
9 application?

10 MR. ROGILLIO: Mr. Blackburn said there would be  
11 a large number of troopers there, and I'm sure a lot of  
12 NOPD guys there.

13 MR. GURVICH: There aren't enough troopers in  
14 the entire state to --

15 MR. ROGILLIO: Well, no. But they're going to  
16 bring them from other areas, I can assure you, because I  
17 think --

18 MS. MCLEARY: We only have about 900 troopers.  
19 We only have about 900 troopers, so that's not going to  
20 work.

21 MR. GURVICH: We only have 900 troopers? Their  
22 security requirements will be three or four times that.

23 MR. ROGILLIO: But, again, I think if -- it  
24 doesn't matter. Whatever y'all want to do, I'll do. But  
25 I'm saying, if they did the dual registration, that would

1 eliminate the whole problem. It's simple. And I agree  
2 with you. What's 30 or \$40?

3 MR. GURVICH: I would rather do this now,  
4 because these folks have a calendar where some very major  
5 things are involved. I'd hate to leave them in limbo on  
6 a subject of this importance if there's any way for the  
7 board --

8 MS. VINSON: Is there any way to reach out,  
9 like, to the Florida board and see what they did, like,  
10 two years ago? because I'm sure they had the same  
11 situation.

12 MR. ROGILLIO: We could, but I try not to delay  
13 this as much as possible, because they were waiting for a  
14 response from me in this e-mail.

15 MS. VINSON: Can we take a break and we can call  
16 them?

17 MR. GURVICH: Do you want to take a five-minute  
18 -- why don't you call Art and see what he thinks.

19 UNIDENTIFIED SPEAKER: Well, Art's retired.

20 MR. GURVICH: It's about time.

21 MR. ROGILLIO: If I can get him. I'll try, yes.

22 MS. VINSON: I'm sure someone there will --

23 MR. ROGILLIO: Even S.A.F.E. Management has  
24 obviously been doing this for eight or nine years with  
25 the Super Bowls. So, I mean, if you trust them, they



1 | could tell us maybe what they did in Florida.

2 |           MR. GURVICH: We can call. Do we know people in  
3 | Florida?

4 |           MR. ROGILLIO: Yes. I'll go call.

5 |           MR. GURVICH: Let's recess for five minutes.  
6 | (Recess taken. Mr. Cotton is not present.)

7 |           MR. GURVICH: We're back on the record. Okay.  
8 | We're on the subject of S.A.F.E. Management and the Super  
9 | Bowl.

10 |           MR. ROGILLIO: All right. I probably have  
11 | already told most of you, but I did contact State of  
12 | Florida, and I spoke to one of the supervisors in the  
13 | Miami office with the Florida Licensing Bureau. And he  
14 | said that, if a guard worked for 25 different companies,  
15 | he would have to wear 25 different uniforms for whatever  
16 | company at that time he was serving for. And what they  
17 | did with S.A.F.E. Management was that, if a person worked  
18 | for S.A.F.E. Management, they would be licensed or  
19 | registered with S.A.F.E. Management as that guard. He  
20 | said they handled, S.A.F.E. Management handled the  
21 | interior of the stadium, and the exterior of the stadium  
22 | down there was handled by a number of contract  
23 | companies. And they all wore their own uniform as they  
24 | performed the duties. So that sounds pretty much like  
25 | us.

1 MR. GURVICH: Now, that was a different  
2 situation, because S.A.F.E. Management was handling  
3 everything inside the stadium, and everything else was  
4 contracted out?

5 MR. ROGILLIO: Right. They didn't have enough  
6 people, I think, is what it was.

7 MR. GURVICH: But now they are seeking to do it  
8 all --

9 MR. ROGILLIO: Obviously.

10 MR. GURVICH: -- inside and a significant amount  
11 of outside. So to get back to the uniforms, now, when --  
12 there was a discussion as to the dual registration, which  
13 if the basic fee is 97.50 if you're --

14 MR. ROGILLIO: 92.50 if they are going to work  
15 more than the 20 days.

16 MR. GURVICH: -- if they work more than 20 days.  
17 If they work under 20 days, the basic fee is?

18 MR. ROGILLIO: \$40.

19 MR. GURVICH: \$40. And that's \$30 for the  
20 application --

21 MR. ROGILLIO: And a \$10 fee.

22 MR. GURVICH: -- and admin? Now, the dual  
23 registration is \$40?

24 MR. ROGILLIO: Well, again, if they are going to  
25 work more than 20 days, it would be the full-blown

1 registration.

2 MR. GURVICH: Assuming the vast majority of  
3 these people aren't going to work --

4 MR. ROGILLIO: Well, it's my understanding from  
5 S.A.F.E. Management in the meeting we had with them --  
6 correct me, Jane, if I'm wrong -- but they were talking  
7 about coming in here and starting the interviews around  
8 August or September.

9 MR. GURVICH: Some people are going -- my  
10 understanding is, some people are going to work well  
11 beyond 20 days.

12 MR. ROGILLIO: Five, six months, maybe.

13 MR. GURVICH: Is it fair to say, insofar as we  
14 know these things, that the vast bulk of these thousands  
15 of security folks are not going to be expected to work  
16 more than 20 days? I think it's fair to say. But they  
17 are opening a security company, yes.

18 MR. ROGILLIO: They're licensed with us, yes,  
19 so.

20 MR. GURVICH: So my question to all --

21 MS. RYLAND: They have applied.

22 MR. ROGILLIO: They have applied. I'm sorry.  
23 They haven't gotten a license.

24 MR. GURVICH: Right. We're adverting to the  
25 folks who do the 20 days or less folks. So that being

1 the case, they would incur the \$40 fee either way? In  
2 other words, if they hired on for 20 days or less, it's  
3 \$40; if they were dual registration, it's \$40?

4 MR. ROGILLIO: Yes. If they are going to work  
5 less than 20 days for S.A.F.E. Management.

6 MR. GURVICH: Right.

7 MR. ROGILLIO: If they're going to work beyond  
8 20 days, then it would be the full 92.50 to do a  
9 registry.

10 MR. GURVICH: In other words, it's a dual  
11 registration will cost the same as a single registration?

12 MR. ROGILLIO: Right, right. It makes that  
13 company responsible to make sure they've had all their  
14 training and so forth.

15 MS. VINSON: And the second company is  
16 responsible for that, for getting those fees to the  
17 board?

18 MR. ROGILLIO: Right. Yeah. It's just like  
19 they are only working, say, for one company, okay, same,  
20 same difference. The only difference would be, if they  
21 worked less 20 days, they could pay the \$40 and then be  
22 done.

23 MR. GURVICH: So you have a situation where,  
24 dual registration, they work for XYZ Security Company and  
25 then work for S.A.F.E. Management. And at that point,

1 | they can work up to 20 days and --

2 | MR. ROGILLIO: With the \$40 fee.

3 | MR. GURVICH: -- with the \$40 fee.

4 | MR. BAER: Do they get separate IDs?

5 | MR. ROGILLIO: Sir?

6 | MR. BAER: Two IDs, an ID for each company?

7 | MR. ROGILLIO: Yes. They would have to have the  
8 | temporary off the back of the application is what they  
9 | would operate on, because they are only going to be there  
10 | for 20 days. They're not going to get a permanent card.  
11 | But it's my understanding from Mr. Kevorkian that they  
12 | only want to hire licensed guards, meaning that somebody  
13 | who's already got a permanent card is what they are going  
14 | to -- I don't know if they are going to be able to get  
15 | enough people for that, but that's what they intend to  
16 | do.

17 | If they do that, then that person would not -- he  
18 | wouldn't necessarily have that card on him for S.A.F.E.  
19 | Management. He would have a S.A.F.E. Management  
20 | temporary card, or, if they worked more than 20 days and  
21 | they do get a permanent card for S.A.F.E. Management, he  
22 | would have that card to work on.

23 | MR. ROMERO: If they happen to go beyond the 20  
24 | days, would the additional fee be the \$52 or --

25 | MR. ROGILLIO: Yes, sir.

1 MS. RYLAND: For the fingerprints.

2 MR. GURVICH: It would be the fingerprints, yes,  
3 sir.

4 MR. ROMERO: So that's an answer, it seems.

5 MR. GURVICH: Well, I don't disagree. The only  
6 alternative that I see is that they -- if the board were  
7 of a mind to let this come off such that S.A.F.E.  
8 Management uniform is put on file with XYZ Security  
9 Company and it was considered that the hang tag  
10 identifier met our requirements to individually identify  
11 the guard and the security company, then there would be  
12 no fee. But there seems to be some sentiment against  
13 that.

14 MR. ROGILLIO: I think we're going to run afoul  
15 of some other people who are in the industry that have  
16 had to pay the \$40 fee for other reasons. If you set a  
17 precedent that way, then I think you are going to have to  
18 swallow it later down the road. I just think the dual  
19 registration is the easiest thing to do.

20 MR. GURVICH: All right. Then what we are  
21 suggesting is someone, by way of response to  
22 Mr. Kevorkian's letter, someone, presumably the board,  
23 the executive staff member, which would be yourself, just  
24 get back to him and say we reviewed this matter and, you  
25 know, to the board's knowledge, the best way to proceed

1 is just to have a dual registration. Now, does that  
2 create any insurance quandaries or anything like that?

3 MR. ROGILLIO: No, because S.A.F.E. Management  
4 is going to have to provide insurance to us to prove that  
5 they have insurance to be licensed as well as the company  
6 that's -- whatever guard is working for them, whether it  
7 be XYZ or ABC. That company is already going to have to  
8 have insurance, so that's not a -- it's not an insurance  
9 issue.

10 MR. GURVICH: All right. So do you need a  
11 motion, or do you feel like we are just going to proceed  
12 on that basis?

13 MR. ROMERO: You already have a mechanism in  
14 place. It doesn't require us to do anything.

15 MR. ROGILLIO: Well, yes. In our discussions  
16 the other day on the phone with the two gentlemen from  
17 S.A.F.E. Management, it was kind of left unanswered, I  
18 guess you would say. And then, when I got this letter  
19 and I wanted to respond to it -- I would prefer that the  
20 board agree with me on whatever issue we -- whatever  
21 thing we do. And, obviously, you are doing that, so.

22 MR. GURVICH: Ms. Vinson has a motion prepared  
23 for precisely this event.

24 MS. VINSON: I make a motion that Mr. Rogillio  
25 respond to Mr. Kevorkian of S.A.F.E. Management and

1 advise of him of our rules regarding dual registrants.

2 MR. ROMERO: Second.

3 MR. GURVICH: Okay. Motion by Ms. Vinson,  
4 second by Mr. Romero. Debate? Discussion? Any comments  
5 from the Superdome folks?

6 MR. PAISANT: No, sir.

7 MR. GURVICH: This is getting them down from a  
8 92.50 fee to a \$40 fee, as long as they don't work more  
9 than 20 days.

10 MR. PAISANT: Yes, sir.

11 MR. GURVICH: Now, on the longer ranges, they're  
12 just going to have to pay the 92.50 fee.

13 MS. RYLAND: And there is a very minimal. I  
14 mean, he counted that up with me, and it's only like 3  
15 percent of the whole entire employees that's going to be  
16 more than 20 days.

17 MR. GURVICH: Okay. Well, we have a motion on  
18 the floor. Any debate/discussion? All in favor of the  
19 motion as stated say aye.

20 ALL BOARD MEMBERS: Aye.

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

23 **NEW BUSINESS, DISCUSSION OF FIXED CASE MARKING**

24 **PROJECTILES**

25 MR. ROGILLIO: Now, last thing. I know it's



1 | been a long day. I have two gentlemen here that want to  
2 | introduce a training program which would require approval  
3 | from the board. So you guys are ready?

4 | MR. PIERRELEE: Yes, sir.

5 | MR. ROGILLIO: He said about an eight-minute.

6 | MR. GURVICH: They want approval in the sense  
7 | that they want like first or second eight hours?

8 | MR. ROGILLIO: No. This is firearms. Correct  
9 | me if I'm wrong, it is firearms?

10 | MR. PIERRELEE: Yes, sir. We'll explain it.

11 | MR. GURVICH: Take over whatever you need.

12 | MR. ROGILLIO: We're ready to go.

13 | MR. TUGGLE: We're ready to go. We're going to  
14 | show you a Powerpoint over to your right. I hope you can  
15 | see it.

16 | (State Troopers Doug Pierrelee and Lane Tuggle make  
17 | Powerpoint presentation for the board.)

18 | MR. GURVICH: Understanding is that you want us  
19 | to prove approve the bullet for training protection?

20 | MR. PIERRELEE: That's it. Just the projectile  
21 | itself.

22 | MR. GURVICH: Chief, what are we doing right now  
23 | in terms of approved weapons training; have we ever used  
24 | any other kind of bullet?

25 | MR. ROGILLIO: No, sir. Currently, it's a fixed

1 target at 25 yards. And, of course, then they move into  
2 intervals of lesser.

3 MR. GURVICH: What's our longest range shot?

4 MR. ROGILLIO: Twenty-five.

5 MR. GURVICH: Twenty-five feet?

6 MR. ROGILLIO: Yards.

7 MR. GURVICH: The ballistics are the same?

8 MR. PIERRELEE: Absolutely. There is a slight  
9 difference, but we can group them within an inch of each  
10 other at 25 yards.

11 MR. GURVICH: So these, it's a wax or plastic?

12 MR. PIERRELEE: There are several different  
13 manufacturers that offer their version. And we typically  
14 use the ones that carry the closest to what we need them  
15 for: wax, composites, soap, compressed, different  
16 materials.

17 MR. GURVICH: It's been a long time since I shot  
18 that course, but at 75 feet, would it have the same  
19 ballistics?

20 MR. PIERRELEE: Absolutely -- well, I mean, they  
21 are traveling slower and it's lighter, so they're going  
22 to have a different ballistics, but the point of aim is  
23 point of impact, that's right.

24 MR. GURVICH: So the ballistics are the same;  
25 you get the same reaction?

1 MR. PIERRELEE: That's what makes this  
2 significant. It acts like a real gun. There's enough  
3 power in that primer and propellant to move the slide  
4 back, eject that round, and insert a fresh round from the  
5 magazine. So that's the big boon is, it, before, we'd  
6 have to use a BB gun or some other CO2. But this is, you  
7 can use, literally, their own weapon and ammunition fits  
8 into the magazine. It functions like a real weapon.

9 MR. GURVICH: You've used a revolver, a .38  
10 revolver?

11 MR. PIERRELEE: The revolver has been around for  
12 a long time, and they've used lots of low velocity  
13 training rounds and those using wadcutter and other, so  
14 you wouldn't have to use a .357 or a .357 ram with full  
15 power?

16 MR. GURVICH: That thing will feed into an  
17 automatic?

18 MR. PIERRELEE: Yes, sir. That is specifically  
19 what that is made for.

20 MR. ROMERO: What are the cost considerations?

21 MR. PIERRELEE: They are the same, ammunition,  
22 pretty much. Federal Ammunition, Simunition, UTI, there  
23 are different companies that make this for this purpose,  
24 we've been using it in our training for years. And,  
25 recently, again, it's been approved for actual

1 | qualification measuring competency with shooters for  
2 | their certification in concealed carry. That's a good  
3 | question.

4 | MR. GURVICH: Chief, Dickie, play devil's  
5 | advocate. Is there any reason why we shouldn't do this,  
6 | adopt this as a regulation training round?

7 | MR. THORNTON: Put me on a range with somebody  
8 | with a gun and that can kill me and someone that can't,  
9 | I'm going to pick that can't every time.

10 | MR. PIERRELEE: That's kind of our thought  
11 | pattern.

12 | MR. GURVICH: I go to Paul Graffio's range, and  
13 | I see, you know, you've got to shoot the opposite end of  
14 | the wall where your target is. That's fine. It's got a  
15 | backstop and everything else. But sooner or later,  
16 | somebody is going to put a slug through one of the side  
17 | walls, and it's liable to be one of my people. I would  
18 | rather have the training --

19 | MR. THORNTON: You go around to our police range  
20 | and you'll see holes in the top.

21 | MR. GURVICH: Oh, there are bullet holes in  
22 | every range in the ceiling and on the ground. Okay.  
23 | Play devil's advocate. Why should we grant these guys  
24 | the use of this bullet? Is there any reason not to?

25 | MR. ROGILLIO: No. I totally agree with the

1 | concept. But what I'm thinking is that, in order to keep  
2 | this in line with the rules and regulations, that we  
3 | should adopt. And I would like to see that act.

4 | MR. PIERRELEE: We have copies of it with us.

5 | MR. ROGILLIO: Okay. Maybe we could come back  
6 | at the next meeting with a proposal to make a rule that  
7 | would approve the use of that particular ammunition --

8 | MS. RYLAND: We have a Legislative/Training  
9 | Committee.

10 | MR. ROGILLIO: -- as that proposed in that -- he  
11 | doesn't want that. We will do it. We will get it for  
12 | you.

13 | MR. GURVICH: You all seek the private security  
14 | facility, training facility?

15 | MR. PIERRELEE: We are currently working for  
16 | Sentinel Security. And that's how -- it's open to  
17 | everybody. We are representing Sentinel Security, but  
18 | this obviously would apply to everyone, just like it has  
19 | done in recent law that's been passed.

20 | MR. GURVICH: Well, I mean, I guess, does this  
21 | require a rule change or no?

22 | MR. ROGILLIO: I think, yes, sir. Yes. So as  
23 | I'm saying, once we get this act and review it, if we  
24 | could come back with a recommendation to you for the  
25 | purpose of creating an addendum to the rule that's

1 | already in existence or to create a new rule.

2 |           MR. GURVICH: We don't come back here until  
3 | September.

4 |           MR. ROGILLIO: Well, you haven't decided yet  
5 | when you're going to come back.

6 |           MR. GURVICH: I think it will be September.

7 |           MR. ROGILLIO: But it would take -- bear in  
8 | mind, it would take that 120 days, right, to process it  
9 | through the rulemaking process. It's lengthy, but.

10 |           MS. VINSON: So you are thinking that you guys  
11 | can put something together for us, so, and have it  
12 | prepped so we don't really -- we wouldn't really have to  
13 | have a committee meeting to decide; we can have something  
14 | prepped and ready to go to just approve in September?

15 |           MR. ROGILLIO: We can present it. Whenever you  
16 | decide to meet again, we can present it to you at that  
17 | time as a rule to be made. And then our attorneys can  
18 | draft it, and we will run it through.

19 |           MR. GURVICH: The only alternative I see to that  
20 | is, if we just gave you the authority after, you know,  
21 | checking out the round and whatever, we would grant you  
22 | the authority to proceed with the rule change before we  
23 | meet again.

24 |           MR. ROGILLIO: If you want to adopt it today,  
25 | make a motion to give me the authority to do that, based

1 on this act, then we can come up with the verbiage for  
2 it. We will sit with Allison and Frank or whoever and  
3 adopt a rule at that point. It would then be submitted  
4 once the verbiage is finalized.

5 MS. MCLEARY: We have done that before, you  
6 know, you guys approve a concept of a rule change, even  
7 if it's not exact language, some guidance given being to  
8 adopt those rules, to amend our rules to allow for this  
9 specific type of ammo.

10 MR. GURVICH: We can also sign off on this rule  
11 change individually. You could fax us something.

12 MS. MCLEARY: I can do that too or e-mail it or  
13 just --

14 MS. VINSON: We can do it now.

15 MS. MCLEARY: You could approve it in concept  
16 now. We can come up with something. If you would like  
17 to see drafts, we can send it before I submit it, for  
18 sure.

19 MR. GURVICH: All right. So you want me to make  
20 a motion. I'll make a motion to authorize the chief  
21 administrative officer, Chief Rogillio, to test and  
22 review the data on the bullet, and if, in his best  
23 judgment, it is advisable to seek for, to promulgate a  
24 rule authorizing the use of this round for training  
25 purposes, it is hereby authorized to do so. Is that

1 acceptable?

2 MS. VINSON: Second.

3 MR. ROMERO: Second.

4 MR. GURVICH: Motion by Mr. Gurvich jointly  
5 seconded by Mr. Romero and Ms. Vinson. Debate?

6 Discussion? This is speeding up things a little bit for  
7 you.

8 MR. PIERRELEE: Yes, sir, it is.

9 MS. VINSON: Was that too fast?

10 MR. PIERRELEE: No. It's faster than I  
11 expected.

12 MR. GURVICH: We have a motion on the floor.  
13 All in favor of the motion as stated say aye.

14 ALL BOARD MEMBERS: Aye.

15 MR. GURVICH: Any opposed? The motion passed  
16 unanimously. Thank you for being here today.

17 MR. PIERRELEE: Thank you. We'll wait to wrap  
18 up our puppet show when you're done.

19 **DETERMINATION OF DATE OF NEXT BOARD MEETING**

20 MR. GURVICH: Next board meeting date.

21 MS. RYLAND: I'm sorry I didn't put a calendar  
22 in there.

23 (Off the record discussion.)

24 MR. GURVICH: September 20th, 9:30 here in the  
25 board's office?



1 MR. ROGILLIO: Yes, sir.

2 MR. GURVICH: So moved. Do I hear a second?

3 MR. BAER: Second.

4 MR. KENNEDY: I'll second.

5 MR. GURVICH: Motion by Mr. Gurvich jointly  
6 seconded by Mr. Baer and Mr. Kennedy. All in favor of  
7 the motion as stated say aye.

8 ALL BOARD MEMBERS: Aye.

9 MR. GURVICH: The motion passed unanimously.

10 **QUESTIONS FROM THE PUBLIC**

11 MR. GURVICH: Now it's time for Questions From  
12 the Public. I don't think there's any public left.

13 MR. ROGILLIO: We don't have a lot of public  
14 left.

15 MR. GURVICH: Anybody care to come before the  
16 board and address us with any issues or problems or  
17 complaints or compliments, even?

18 MS. RYLAND: Yes. Tell us how wonderful we are.

19 MR. GURVICH: There being none, this meeting is  
20 adjourned.

21 (End of Proceedings.)

22

23

24

25

## C E R T I F I C A T E

1  
2  
3 I, Annette Ross, Certified Shorthand Reporter in and  
4 for the State of Louisiana, do hereby certify that:

5 The proceedings as herein before set forth in the  
6 foregoing 217 pages were reported by me on stenographic  
7 machine shorthand, transcribed by me, and is a true and  
8 correct transcript to the best of my ability and  
9 understanding;

10 That I am not of counsel, nor related to any person  
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