

1 LOUISIANA STATE BOARD OF PRIVATE SECURITY EXAMINERS
2 QUARTERLY BOARD MEETINGS
3 AND
4 ADJUDICATORY HEARINGS
5
6
7
8

9 Louisiana State Board of Private Security Examiners
10 15703 Old Hammond Highway
11 Baton Rouge, Louisiana
12
13
14

15 December 9, 2015
16
17
18
19

20 Reported By
21 ANNETTE ROSS, CCR, RPR
22
23
24
25

APPEARANCES

BOARD MEMBERS:

Mr. Louis S. Gurvich, Jr., Chairman, District 1
Kenneth R. Kennedy, Member at Large
George Rojas, Member at Large
James H. "Chip" Romero, Member at Large
Christine Vinson, Vice Chairperson, Member at Large
Mark Williams, Member at Large

COUNSEL:

Frank D. Blackburn, Esq.
Adrienne Aucoin, Esq.

BOARD STAFF:

Mr. Wayne R. Rogillio
Ms. Jane Ryland
Mr. Doug Cain

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.)

INDEX

	Page
1	
2	
3	WALTER STEMBRIDGE 7
4	EVENT OPERATIONS GROUP 8
5	Exhibit S-1 12
6	Examination of Mr. Cain by Mr. Blackburn 15
7	Examination of Mr. Cain by Mr. Gurvich 16
8	Examination of Mr. Booth by Mr. Gurvich 19
9	Examination of Mr. Cain by Mr. Romero 21
10	Reexamination of Mr. Cain by Mr. Gurvich 22
11	Examination of Mr. Yancey by Mr. Gurvich 24
12	Reexamination of Mr. Booth by Mr. Gurvich 24
13	Examination of Mr. Yancey by Mr. Romero . . . 27, 32
14	Examination of Mr. Yancey by Mr. Rojas 33
15	Reexamination of Mr. Yancey by Mr. Gurvich . . . 33
16	Examination of Mr. Booth by Mr. Romero 41
17	Examination of Mr. Booth by Mr. Rojas 42
18	Re-reexamination of Mr. Yancey by Mr. Gurvich . . 43
19	Re-reexamination of Mr. Booth by Mr. Gurvich . . 49
20	Reexamination of Mr. Cain by Mr. Gurvich 52
21	Examination of Mr. Booth by Mr. Kennedy 54
22	WEISER SECURITY 66
23	Executive Session 72
24	KAYLA KING 72
25	Examination of Ms. King by Mr. Blackburn 77

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX (CONT.)

Page

NAKISHA EVANS81

CATHERINE BROOKS 82

 Executive Session 82

MICHAEL CASSARD83

 Executive Session 83

LEGAL UPDATE/LEGISLATION 87

OLD BUSINESS

 Office Status and Financial Reports 87

NEW BUSINESS, MISCELLANEOUS

 Computer Progress Report88

 Audit Reports 89

 Transfer of Funds Discussion92, 95

 Insurance Coverage for Contract Workers 93

 Doug Cain's Activity Report100

 MinuteMen in French Quarter103

 Request for New Permanent Card Machine 111

DETERMINATION OF DATE OF NEXT MEETING 116

DOUGLAS CAIN117

 Executive Session118

QUESTIONS/COMMENTS FROM THE PUBLIC122

* * * * *

1 TRANSCRIPT OF PROCEEDINGS

2 MR. GURVICH: Welcome, everyone, to the
3 quarterly meeting of the Louisiana State Board of Private
4 Security Examiners. Chief, if you would be kind enough
5 to lead us in the Pledge of Allegiance, followed by a
6 brief moment of silence.

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

8 MR. GURVICH: Thank you. May we have roll call,
9 please.

10 MS. RYLAND: Mr. Duplechain called yesterday.

11 MR. ROGILLIO: We were notified by
12 Mr. Duplechain, and his intention is to resign from the
13 board because of his health issues. However, we did not
14 receive a letter from him as of yet, but he did indicate
15 by the phone that he was going to resign.

16 MS. RYLAND: He was going to make it effective
17 yesterday.

18 MR. GURVICH: Okay.

19 (Roll call.)

20 MR. GURVICH: Okay. We have a quorum present,
21 so let's proceed with the order of business. Do I hear a
22 motion to waive the minutes of the previous meeting?

23 MR. ROJAS: Make a motion to dispense with the
24 reading of the minutes.

25 MR. GURVICH: Motion by Mr. Rojas. Second by

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

3 | ALL BOARD MEMBERS: Aye.

4 | MR. GURVICH: Any opposed? The motion passes
5 | unanimously. Next matter. Oh, by the way, would you all
6 | prepare plaques to recognize the service of Mr. Cotton
7 | and Mr. Duplechain.

8 | MS. RYLAND: Mr. Cotton has already been taken
9 | care of.

10 | MR. ROGILLIO: He has his, yes.

11 | MR. GURVICH: Okay. So please handle
12 | Mr. Duplechain's as well and any resigning and retiring
13 | members of the board as a matter of course, I think, for
14 | their service.

15 | MS. RYLAND: He did want me to let you all know
16 | that he thoroughly enjoyed working with y'all for the
17 | last, I think he said, 18 years. And he is sorry he
18 | hasn't been here in the last year, but his health has
19 | really declined. But he is better now. He's on kind of
20 | an uphill swing, so.

21 | MR. GURVICH: Glad to here that. And I will be
22 | in touch with him, I'm sure.

23 | Chief, what's your pleasure?

24 | MR. ROGILLIO: Okay. So we'll move to the
25 | adjudicatory hearings.

1 MR. GURVICH: Do we have some contested
2 hearings, things of that nature? Counsel, how are you
3 wanting to handle it? because we've got folks in the
4 audience and so forth.

5 WALTER STEMBRIDGE

6 MR. BLACKBURN: Mr. Carter, what did you decide?

7 MR. CARTER: To defer.

8 MR. BLACKBURN: To defer?

9 MR. CARTER: Yes.

10 MR. BLACKBURN: Okay. Thank you. Stay in
11 touch.

12 MR. CARTER: I need to find out what date that
13 is.

14 MR. BLACKBURN: We don't really know yet the
15 date of the next hearing.

16 MR. GURVICH: Reschedule to the next hearing?
17 We don't know yet, but we'll be in touch with you.

18 MR. BLACKBURN: We'll send you a letter. It
19 will be somewhere in, like, February, end of February,
20 somewhere between Mardi Gras and St. Patrick's Day.

21 MR. CARTER: Okay.

22 MR. GURVICH: Which matter was that?

23 MR. BLACKBURN: That's No. 4, Mr. Stemberidge.

24 MR. CARTER: Thank you very much.

25 MR. GURVICH: Next matter.

1 | EVENT OPERATIONS GROUP

2 | MR. ROGILLIO: Next matter is Event Operations
3 | Group. There's a gentleman here, Mr. Yancey,
4 | representing their company.

5 | MR. BLACKBURN: Mr. Yancey, are you here?

6 | MR. YANCEY: Yes, sir.

7 | MR. BLACKBURN: Step forward, please.

8 | If you're here today for a hearing and you may
9 | testify or are going to testify, would you please stand
10 | up. She is going to swear us all at the same time.
11 | (Mr. Leigh Booth, Mr. Doug Cain, Mr. Craig Yancey,
12 | Mr. Matt Patin, Ms. Patricia Butler, Ms. Lameika
13 | Washington, Ms. Kayla King, and Mr. Michael Cassard are
14 | administered the oath.)

15 | MR. GURVICH: Counsel, how do you want to handle
16 | this? You've got something in the nature of evidence,
17 | documents and so forth?

18 | MR. YANCEY: Yes, sir.

19 | MR. GURVICH: Let's get it on the record.

20 | MR. BLACKBURN: Mr. Yancey, if you don't mind,
21 | have a seat at that mic there and we'll.

22 | MR. GURVICH: Give us a brief overview of what
23 | we're dealing with here today.

24 | MS. AUCOIN: Investigator Doug Cain went to, I
25 | believe, UL. He can better testify, but Investigator

1 Cain went to the University of Louisiana at Lafayette and
2 issued a notice of violation after completing a post
3 check for 37 guards who did not have valid cards.

4 MR. BLACKBURN: And they were fined \$50 each,
5 and he has appealed the \$50 fine for each with a claim
6 that they weren't providing security. They were just
7 that exception of ticketing, etc.

8 MR. GURVICH: Well, to cut to the chase and
9 maybe eliminate hours of testimony, I take it, then, that
10 it's a fundamental disagreement about whether they were
11 security or they were some other, concierge, caretaker,
12 whatever task. Is that in essence the dispute before us?

13 MR. BLACKBURN: I think that's basically
14 correct.

15 MR. YANCEY: Yes, sir.

16 MR. GURVICH: Okay. Stipulations, anything that
17 we can do to sort of --

18 MR. BLACKBURN: He can tell you what they were
19 doing, Doug will tell you what he saw them doing, and you
20 can decide if they were providing security or not.

21 MR. GURVICH: Is there any dispute, then, that
22 an investigator from the board arrived at the university
23 and there saw 37 individuals that had not been licensed
24 and registered with the state board? We have that pretty
25 much as fact?

1 MR. BLACKBURN: I think there's no dispute
2 there.

3 MR. GURVICH: Is that correct, sir?

4 MR. YANCEY: That's correct, yes.

5 MR. GURVICH: Okay. Is there anything else that
6 we can cut straight to the chase?

7 MR. BLACKBURN: Doug's testimony that what they
8 were doing, regulating traffic, people, cars, and
9 providing security would be his testimony, I'm told. If
10 you want me to call him, I'll let him give it to you.

11 MR. GURVICH: Okay. I'm just trying to save as
12 much time in the testimony as we can.

13 MR. BLACKBURN: If he stipulates to that, the
14 only question is, now he is going to tell what you he
15 thinks they were doing and it wasn't security. He had
16 some others on -- did you also have some others there
17 that day that were providing security and you do have
18 employees who are registered?

19 MR. YANCEY: No, sir. Kind of a back story to
20 this is, we entered into an agreement with the University
21 of Louisiana Lafayette one week prior to their first
22 football game. In our bid, we did say that we would
23 provide security, but we had an agreement with them that
24 we would not do so for the first football season, because
25 we did not have time to hire, license, train enough staff

1 to provide security, and that all positions that we would
2 subsequently use this year would be non-security
3 positions: checking credentials, parking passes, badge
4 checkers, ticket takers, etc.

5 So they -- and they fall underneath the code in
6 Title 46, Chapter 47, Title 37, there. The bag checkers,
7 ticket takers, parking attendants, all those folks are
8 non-security personnel by according to the State of
9 Louisiana. And those were the people that we agreed to
10 provide for them this season.

11 MR. GURVICH: Ms. Vinson had a comment or a
12 question.

13 MS. VINSON: Were they wearing security
14 uniforms?

15 MR. YANCEY: They were wearing these uniforms
16 which say "Event Operations Group" and clearly state on
17 the sleeve "Customer Service." They were not wearing
18 security uniforms. No, ma'am.

19 MR. GURVICH: Okay. I think we have probably
20 got something to enter into evidence, and in the interest
21 of saving a shirt and a pair of pants for posterity,
22 whatever, would everyone agree to stipulate that we enter
23 a photograph of these items than the actual material
24 items?

25 MR. BLACKBURN: That would be fine.

1 MR. GURVICH: Okay. Why don't we have someone
2 from the board take a photograph with their phone of
3 these items so that we can enter that into the record and
4 not have physical clothing as part of the record. Is
5 that acceptable to everyone?

6 MR. YANCEY: Yes, sir.

7 MS. VINSON: Or we can just write a description?

8 MR. GURVICH: But that's okay with -- everyone's
9 agreed?

10 MR. BLACKBURN: Mr. Cain's going to take a
11 picture, and if that's good, we'll make that State's
12 Exhibit 1. Well, actually, he already has done it.

13 MS. AUCOIN: I think he took pictures that day.

14 MR. GURVICH: All right. Let's get it on the
15 record.

16 MR. BLACKBURN: State's Exhibit 1 is pictures.
17 (State Exhibit No. 1 identified.)

18 MR. GURVICH: You have the right to examine his
19 photographs. You have the right to decline to admit
20 them. I mean, we will just have to take other
21 photographs. So, by all means, let us know if it's okay
22 with you to make them part of the record.

23 MR. YANCEY: We're good.

24 MR. GURVICH: Okay. So there's no objection.
25 So let that be entered into the record. Just following

1 along, making sure everything is okay.

2 MR. ROJAS: Mr. Chairman.

3 MR. GURVICH: Mr. Rojas.

4 MR. ROJAS: Do we have any copy of the contract
5 showing what was included in the contract, that states
6 security in the contract that you signed?

7 MR. YANCEY: The bid is on record with the
8 state. But, no, sir, I didn't bring it. What I did
9 bring was, I took out some excerpts, because it's a
10 rather lengthy document, our bid response. I took out
11 some excerpts of what security versus non-security
12 positions would be at the University of Louisiana
13 Lafayette. And that is included in the package that you
14 have there.

15 We did inadvertently have one person checking bags
16 that day, which is deemed a security position by the
17 state. We are -- it was a mistake on our part, because
18 we had just hired the gentleman. He had told us he was
19 licensed by the state as a security guard. And then our
20 regional director, Mr. Booth, was given some false
21 information about whether or not that person could
22 actually be used as security or not.

23 So he posted him as a bag checker at the IP lot,
24 but -- or at the IP entrance. So we do agree that we did
25 have at least one person, that one person that was

1 | inadvertently posted to a security position. The other
2 | 36, however, were all parking attendants working in the
3 | parking areas and ushers at the stadium.

4 | MR. GURVICH: Okay. Counsel, just to try to --
5 | is there any more stipulation to be entered into this
6 | where we might distill the issues before us further?

7 | MR. BLACKBURN: Mr. Chairman.

8 | MR. GURVICH: Counsel.

9 | MR. BLACKBURN: Mr. Cain's investigation showed
10 | there were -- he probably is going to need to testify,
11 | because he's got, they were at the entrance to parking
12 | lots, they were at multiple gates, and multiple persons
13 | were checking bags.

14 | MR. GURVICH: All right. So there's a dispute
15 | here that you say that -- I'm sorry. The breakdown that
16 | you indicated, sir, was, there was one individual who was
17 | doing the security; you acknowledge that?

18 | MR. YANCEY: Yes, sir.

19 | MR. GURVICH: And the others were parking lot
20 | attendants?

21 | MR. YANCEY: That's correct.

22 | MR. BLACKBURN: Or ushers.

23 | MR. GURVICH: Or ushers.

24 | MR. BLACKBURN: And Mr. Cain's testimony is that
25 | there were multiple of them at gates checking bags, and

1 the ones who were in the parking lots were at the
2 entrance of the parking lot where you pulled up and, if
3 you didn't have the right ticket or parking pass, they
4 sent you to another parking place.

5 MR. GURVICH: Okay. Well, it's all speculation
6 until we actually hear it. So do you want to call your
7 first witness?

8 MR. BLACKBURN: Yes, sir.

9 MR. GURVICH: And you will have the opportunity
10 to cross-examine our investigator and call your own
11 witnesses, certainly.

12 EXAMINATION OF MR. CAIN BY MR. BLACKBURN:

13 Q. Could you state your name and position for the
14 record, please.

15 A. Malcolm Douglas Cain, investigator, Louisiana State
16 Board of Private Security Examiners.

17 Q. Mr. Cain, did you have an occasion to visit the
18 University of Louisiana?

19 A. Yes, sir. On October 31st, 2015.

20 Q. And while there, did you notice the persons who were
21 working for Event Operations Group?

22 A. Yes, I did.

23 Q. And what were those persons doing there? And go
24 through them if you would.

25 A. They had three functions. The parking lot

1 attendants, and I asked each attendant as he came in and
2 turned in his shirt, what was their job function? They
3 said they did not park cars. Their job function was to
4 stop cars as they enter the parking lot; verify whether
5 they had the proper passes; if they did not, they
6 redirected them to another location.

7 The other one was a bag checker. They checked for
8 alcohol, contraband, and weapons as they entered the
9 stadium.

10 The third was a usher that's positioned inside the
11 stadium. Their responsibility was simply to guide people
12 to their seat and assist them in that way.

13 EXAMINATION OF MR. CAIN BY MR. GURVICH:

14 Q. And you learned this information by speaking with
15 these individuals?

16 A. Yes, sir.

17 BY MR. BLACKBURN:

18 Q. Did you also observe it?

19 A. Yes.

20 BY MR. GURVICH:

21 Q. You actually observed, yourself, these individuals?

22 A. I observed the badge -- bag checkers and the parking
23 lot attendants. I didn't go inside the stadium for the
24 ushers.

25 MR. GURVICH: In the Charge Letter, what date is

1 the Charge Letter, Counsel?

2 MR. BLACKBURN: What was the question,
3 Mr. Chairman?

4 MR. GURVICH: The date of the -- I don't see the
5 Charge Letter.

6 MS. AUCOIN: Look at the very back. I think
7 it's probably, like, eight pages towards the end. The
8 date of it, 11/3/15.

9 COURT REPORTER: What was that date?

10 MS. AUCOIN: 11/3/2015.

11 MR. BLACKBURN: The date of the violations was
12 10/31/15, and the violation letter is, no valid card
13 registration on person, 37 counts, \$50 each.

14 MR. GURVICH: Are the -- is anyone who was
15 working inside the stadium? Do we have -- as I
16 understand, you did not go? Are they included in the
17 Charge Letter?

18 BY MR. BLACKBURN:

19 Q. Are they part of the 37? Yes?

20 A. No. They are not part of the 37. This particular
21 night, it had been raining extremely hard all day and
22 night. Mr. Booth, Donald (sic) Booth, which is the
23 gentleman sitting at the table on the left, while I was
24 checking guards as they came in, he was on the phone with
25 an individual at the gate and he was directing them to

1 pick up some of the shirts. So although I did check 37
2 guards, there was multiple other guards that I was not
3 able to check, at least, before I could get to them.

4 BY MR. GURVICH:

5 Q. Okay. But the 37 are in here?

6 A. Yes, sir.

7 Q. And those are the 37 that you checked?

8 A. They were the parking lot attendants and some bag
9 checkers, primarily parking lot attendants or guards.

10 Q. So there was nothing out there; there was nothing --
11 no one was inside the stadium who was included in the
12 letter, because you didn't go inside the stadium?

13 A. That's correct.

14 MR. GURVICH: All right. I'm sorry. Counsel --
15 Ms. Vinson had a comment or a question.

16 MS. VINSON: I'm only re-asking, because, as I
17 flip through some of the pages, some of them say, like,
18 "Usher, Section 9," but you didn't really observe the
19 usher; you spoke to the person?

20 MR. CAIN: Yes. They came in. I was positioned
21 at the main location where they would turn in their shirt
22 and check out. As they came in, I would interview each
23 guard.

24 MS. VINSON: Okay.

25 BY MR. GURVICH:

1 Q. Or each person?

2 A. Right.

3 MR. GURVICH: So at the end of the day, then, we
4 have -- how many are there? Do we know how many parking
5 lot attendants?

6 MR. BOOTH: You have a copy of the schedule.
7 It's in part of that packet there.

8 MR. GURVICH: Do we have the actual numbers?

9 MR. YANCEY: Hang on a second. I can count it
10 up for you.

11 MR. BLACKBURN: Mr. Chairman, to clarify, of the
12 37, 1 is all I could find was an usher, so. There may be
13 more.

14 MR. GURVICH: Okay.

15 MS. VINSON: I mean, I hate to do this because
16 it's 37, but should we flip through each page?

17 MR. BLACKBURN: I'm doing it right now.

18 MS. VINSON: Because, like, what does "RU"
19 Section mean?

20 MR. BLACKBURN: Parking. All I see is the one
21 usher.

22 EXAMINATION OF MR. BOOTH BY MR. GURVICH:

23 Q. Is that correct, sir?

24 A. No, sir. There was.

25 MR. YANCEY: My count is about 19.

1 A. I've got specific usher spots listed as ushers and
2 then around their Athletic Performance Center.

3 BY MR. GURVICH:

4 Q. So that, well, just to make sure, we've got 19 of
5 this 37?

6 A. Oh, I would have to look at the names on the list
7 again.

8 Q. But you're looking at the contract?

9 A. I'm just looking -- well, I'm looking at my
10 schedule.

11 Q. Your schedule?

12 A. Yes. I would have to look at the names on the list
13 that he cited. I don't know specifically every name that
14 he cited. I had a picture of it at one time, but I don't
15 have it with me.

16 MR. BLACKBURN: Well, we have presented to you,
17 Mr. Chairman, the 36 that were parking or gates.

18 A. There was one name I do know that was on the list
19 that was a liaison at our Emergency Operations Center.
20 He was never at the stadium. But he was at the Command
21 Post where I talked with Mr. Cain.

22 BY MR. GURVICH:

23 Q. He is on the list as having been interviewed at the
24 site at the time?

25 A. Yes, sir.

1 Q. But you are saying he was not in fact there?

2 A. He was not at the stadium. He was at the EOC where
3 the command post was. Command post and EOC are not at
4 the stadium. They're about a block and a half away.

5 Q. Okay. I understand.

6 A. One of the names that was listed on that list that I
7 remember seeing was our liaison at the EOC. He was never
8 at the stadium. He did not go to the stadium.

9 MR. CAIN: And that is correct.

10 MR. GURVICH: Okay. Can we reach agreement on
11 the number of parking lot attendants that are included in
12 this 37?

13 MR. ROMERO: Mr. Chairman.

14 MR. GURVICH: Mr. Romero.

15 EXAMINATION OF MR. CAIN BY MR. ROMERO:

16 Q. Mr. Cain, how would his name be on this list if he
17 wasn't at the location where you were?

18 A. Because he was working for the company. They had
19 different functions, but he was still in the company
20 shirt and working at the site. See, I was at the main
21 post where the guards exited to go to their job and
22 returned to turn in their shirt and to get off duty.

23 Q. Did he enter or exit from that location; is that
24 where you --

25 A. Yes. He was at that location.

1 MR. ROMERO: Is that consistent?

2 MR. BOOTH: He was at the EOC, yes, sir, because
3 that's where Mr. Cain -- that I met Mr. Cain and that's
4 where I signed in and out people and they go over to
5 their post at the stadium.

6 MR. ROMERO: Okay. So Mr. Cain would have had
7 the opportunity to speak with him?

8 MR. BOOTH: He actually had to -- that's how I
9 was called to the Command Post was, he, as far as I know
10 went into the EOC, and they had our guy call him or call
11 me to meet him.

12 MR. ROMERO: Okay. Thank you.

13 REEXAMINATION OF MR. CAIN BY MR. GURVICH:

14 Q. The question I have following up on something he was
15 saying earlier, the parking lot attendants, obviously,
16 one tends to think of a guy who picks up the car and
17 parks it, or perhaps he directs you to the space. I
18 don't know. But you were saying that parking lot
19 attendants, whatever you want to call them -- what,
20 again, were they doing, more precisely, while you were
21 there?

22 A. They stood at the entrances of the parking lot. As
23 the cars came to them, they determined whether they had
24 the appropriate pass. If they did not, they directed
25 them to another location to park, would not allow them to

1 enter that particular parking lot. So they had no
2 function of parking cars whatsoever.

3 MR. GURVICH: All right. Well, you've heard
4 Mr. Cain's testimony. Is that consistent with what you
5 were doing at the time?

6 MR. BOOTH: Yes, sir.

7 MR. YANCEY: But we do not park cars. We're
8 not -- we don't -- parking attendants in our vernacular
9 is not one who parks the car, but one who works the
10 parking lot for various reasons. And in this case, part
11 of what their duties is to -- a lot of these lots are
12 prepaid season lots, and our staff punches holes in their
13 tickets to show that they have indeed parked there so
14 that the pass is not given after they've come in and
15 given them to somebody else so they can have access to
16 that parking space.

17 So they punch holes in the parking passes. And if
18 somebody does not have the proper pass, they redirect
19 them to another lot. But, that, we don't deem that as
20 security because of the -- according to our contract with
21 the university, credentials are actually checked there by
22 law enforcement.

23 So we're really there more as directional. We're
24 not there to stop people. That's the law enforcement's
25 job. We're there to redirect them or can punch their

1 | pass.

2 | EXAMINATION OF MR. YANCEY BY MR. GURVICH:

3 | Q. Right. But you're controlling access into the lot
4 | that --

5 | A. That's the law enforcement's position with the
6 | university. They check the credentials. We're punching
7 | the passes and redirecting them to the lots that are
8 | proper for their pass.

9 | Q. Well, would your parking lot attendants say to an
10 | individual sitting in the car there, yes, you can enter
11 | or, no, you can't and redirect them? Would they do that?

12 | A. Again, I think that's the university's -- the law
13 | enforcement as it states in our bid response and what the
14 | university says is their responsibility.

15 | MR. GURVICH: Was a law enforcement or security
16 | individual stationed at every access control point?

17 | MR. BOOTH: They were stationed at every gate
18 | coming in off the street.

19 | REEXAMINATION OF MR. BOOTH BY MR. GURVICH:

20 | Q. I'm sorry?

21 | A. They were stationed at every gate coming off the
22 | street.

23 | Q. But were they stationed --

24 | A. And they have roaming, like, ATV riders that run
25 | through all the lots.

1 Q. Were they stationed by your people at their access
2 points?

3 A. Not at every one of them.

4 Q. So your parking lot attendants were there for the
5 most part by themselves saying, yes, you can go in the
6 lot or, no, you don't go in the lot?

7 A. They would tell them which lot they needed to park
8 into, and I can tell you, on numerous occasions, people
9 would just drive in and we don't stop them. We just tell
10 the law enforcement officers as they come by, there's
11 been people that have come into this lot without the
12 proper pass and they were instructed which lot was the
13 proper pass for them to park at.

14 We did not -- I mean, we don't really have the
15 capability of stopping the people. And that's not what
16 the guys were told. They were told -- as they go out on
17 their post, they were told: Check the pass; if they
18 don't have the pass they are coming in, then advise them
19 the lots they can park in. Now, if they go in, we
20 just pass on --

21 MS. VINSON: But they attempt to control access?

22 MR. BOOTH: They tell them what -- yes. They
23 tell them what they can -- you know, which lots they
24 should be into.

25 MR. YANCEY: Our bid response specifically

1 states that (as read by Witness):

2 "We will assist pass holders to their
3 proper location. It is understood that passes
4 are checked by law enforcement before entering
5 the parking area and are not the responsibility
6 of EOG; however, should an EOG associate
7 discover a patron without a pass and has
8 accessed the lot, he or she will report that
9 violation to the closest law enforcement
10 official."

11 So we are really not acting as security there as
12 much as we are information and directional.

13 MR. GURVICH: Counsel, is there a Charge Letter
14 in the file?

15 MR. BLACKBURN: Yes, sir.

16 MR. GURVICH: Okay. Am I missing it?

17 MS. RYLAND: Mr. Gurvich, it's the Violation
18 Letter, and we just sent them a letter saying that you
19 requested the hearing and the hearing is set.

20 MR. GURVICH: "Notice of Administrative Fine."

21 MS. RYLAND: So the actual Charge Letter is that
22 fine letter you are reading.

23 MR. BLACKBURN: It's November 16th.

24 MS. AUCOIN: No. The November 3rd letter.

25 MR. GURVICH: November 3rd.

1 MS. AUCOIN: The one that said the notice of
2 violations.

3 MR. GURVICH: It says "Notice
4 Administrative Fine" --

5 MS. RYLAND: That's it. That's it. And that's
6 what they're appealing. This is our violation and
7 they're appealing that and they get a different type of
8 letter. It's their appeal, not us bringing them before
9 the board.

10 MR. GURVICH: Well, that may be. Do they notify
11 the specific law in which they are in violation of?

12 MR. ROMERO: Mr. Chairman.

13 MR. GURVICH: Mr. Romero.

14 EXAMINATION OF MR. YANCEY BY MR. ROMERO:

15 Q. I notice, in the information that you provided,
16 there are, under "Licensing," it says, paraphrasing:

17 The State of Louisiana, 95 percent of
18 assigned security staff will be licensed at the
19 time of the event worked.

20 And that's under Item A. And then, if you go down to
21 Item B, again, you say "comprised of a minimum 95 percent
22 licensed security personnel."

23 That would suggest to me that there was never the
24 intent to have all of your people licensed and/or
25 registered, that the intent was only to have 95 percent.

1 I take issue with that. I'd like an explanation on
2 that. And I would also like you to refer to the general
3 position description, Item No. 3-A description as per
4 your document of a security officer which states that,
5 any position that controls or restricts the flow of
6 persons must have a Louisiana security license.

7 It seems to me, based on the description you just
8 provided of those in these parking areas, that that fits
9 your definition provided in the documents you provided to
10 us.

11 A. Okay. Your first point, sir, was that that was
12 written by the university, not by us, so we just replied
13 to that, that they maintain that 95 percent of the people
14 be licensed. It would be our intent that everybody
15 obviously who works a security post as being by the
16 university and the EOG would be licensed, which is the
17 reason why we expressly told the university this year.

18 And this is a five-year agreement that we bid on
19 literally one week before the first football game. There
20 was absolutely no way we were going to be able to license
21 enough people even, hire and train enough people
22 security-wise to have them cover their posts. That is
23 why we told them we would not provide security positions
24 for the first season.

25 As a matter of fact, I believe they took it upon

1 themselves to find people to search bags at the gates.
2 That's not us.

3 And, yes, the general security position, that,
4 again, was written by the university. We were just
5 responding to their, their bid specs. But I agree that
6 that's what it says, and we see that more as bag checkers
7 or people who are guarding controlled access areas,
8 whether it be the field or the locker room or something
9 more high profile. What we were doing was simply
10 directing people from parking lot to parking lot.

11 I believe the state, and I'd have to pull out more
12 information, but in the articles, either 46 or 47, it
13 states that ushers, parking attendants, badge checkers,
14 ushers, those people are not security positions. And
15 those were the positions we agreed to provide to the
16 university this year.

17 Q. Well, these are two separate sentences.

18 A. Yes, sir.

19 Q. One sentence specifically names bag checkers,
20 searchers are to be considered security. The sentence
21 before that says "Positions that patrol or restricts the
22 flow of persons."

23 My concern is, it sounds like most of your
24 description is semantics. You know, just because we call
25 one something doesn't mean that they are something. And

1 | it seems to me that, if you're agreeing to provide these
2 | services today, with the titles and descriptions that
3 | you're utilizing, and if you're doing the same thing next
4 | year for the same positions now that are security, I take
5 | issue with that and think that we are dealing with a
6 | situation of semantics and description of position when,
7 | yet, they're going to be the same positions.

8 | A. We don't contend that people who are checking
9 | credentials in a parking area are security in any form.
10 | They're simply checking to see if that person has the
11 | proper credential and, if not, they're showing them where
12 | they can park. It's direction. It's not security.

13 | And the credential, as it states in the bid, is to
14 | be checked by law enforcement. We're really there just
15 | validating by punching holes in their parking passes.
16 | And if they don't have the proper pass, we tell them
17 | which lot they are supposed to park in. We don't see
18 | that as security, sir. We deem that as --

19 | MR. BLACKBURN: Mr. Romero, in answer to that
20 | question, if I can help, is, if you look at the
21 | definition of "security officer," 18:3272.

22 | MR. GURVICH: I'm sorry. What number? 18:3272?

23 | MR. BLACKBURN: 37:3272, Paragraph 18, it says
24 | (as read by counsel):

25 | "A security officer is an individual," and

1 I'll skip the other stuff, "an individual who
2 works for a contract security company who
3 controls, regulates, or directs the flow and
4 movement of the public by a vehicle, foot, or
5 otherwise."

6 So everything he just said meets that definition, because
7 he is calling that directional, and the directional is a
8 security officer.

9 MR. GURVICH: Sir, have you been furnished with
10 a copy of this statute?

11 MR. YANCEY: Yes, sir. I have it. I just don't
12 have it with me.

13 MR. GURVICH: Okay. Will someone provide the
14 gentleman with a copy of 18:37 -- I'm sorry. 37 -- I'm
15 thinking the directional. 37:3272.

16 MR. BLACKBURN: That's those checks you wrote
17 for the campaign finances.

18 MR. YANCEY: Sir, doesn't the statute also state
19 that ushers, ticket takers, parking attendants, those
20 folks, are deemed as non-security by the state? And do
21 they not offer direction and control access? The ticket
22 taker controls access, correct? An usher directs the
23 flow of persons. Is that deemed security? But by the
24 state, it's not.

25 So we were doing our best to follow the letter of

1 | the law. We're -- obviously, we didn't want to operate
2 | outside the letter of the law. That's the reason why we
3 | expressly told the university we would not provide
4 | security in the first season.

5 | EXAMINATION OF MR. YANCEY BY MR. ROMERO (CONT'D):

6 | Q. Do you have any information to validate that?

7 | Again, you presented information that would suggest the
8 | university had the expectation that you were going to be
9 | providing that type of service based on their
10 | explanation. You said there was an agreement with them
11 | that you would not.

12 | A. Yes, sir. It's a five-year contract, though, so
13 | this bid is written for a five-year period. So going
14 | forward, it is our intention to hire licensed, trained,
15 | placed in post security positions next season, going into
16 | the next academic year. It wasn't our intention to do
17 | so.

18 | And the 95 percent, again, was something that was
19 | written by the university, not us. And I think that had
20 | more to do with the fact that they were working -- the
21 | previous company was working people who were not licensed
22 | as security personnel, so.

23 | MR. ROJAS: Mr. Chairman.

24 | MR. YANCEY: And one final point that I'd like
25 | to make too, sir, is that, of the 37 people, I realize

1 that -- I'm slightly unprepared. But of the 37 people, a
2 number of those people were cited as they were arriving
3 for work. They had not yet been on a post. So Mr. Cain
4 was available at our Command Center during the shift
5 change. And that's 37 people came and went.

6 MR. GURVICH: Mr. Rojas, comment or a question?

7 MR. ROJAS: I just have a question I want to ask
8 Mr. Yancey.

9 EXAMINATION OF MR. YANCEY BY MR. ROJAS:

10 Q. When did you apply to the state for a license? How
11 many weeks after you found out about the job?

12 A. Oh, no, sir. We have had -- we had a security
13 license with the state previous to that. We've had a
14 security license with the state for a couple years.

15 Q. But it's still in existence right now?

16 A. Yes, sir.

17 REEXAMINATION OF MR. YANCEY BY MR. GURVICH:

18 Q. Just for clarification purposes -- I think
19 Mr. Romero adverted to this previously -- the three pages
20 that begin with, No. 1, Security, Non-Security Position?

21 A. Yes, sir.

22 Q. Is that three pages that I have here, or do I just
23 have a partial?

24 A. Yes. It's three pages. Yes, sir.

25 Q. And it ends with a section "For Administrative

1 Clerical" --

2 A. Yes, sir.

3 Q. From whence did this document --

4 A. This is just an excerpt that came from the bid that
5 we submitted to the university.

6 Q. So this is from the bid submitted to the university.
7 And this pretty much encapsulates the university's
8 thinking and your thinking on this at the time the
9 contract was confected?

10 A. Yes, sir, right.

11 Q. And that brings me back to Mr. Romero's point that
12 he made previously on precisely these three pages, I
13 believe it was, about security positions will be licensed
14 in the State of Louisiana, 95 percent, and that an
15 assigned security staff will be licensed at the time the
16 event worked.

17 It seems as if this contract then massages the
18 provision of security services between two mutually-
19 agreeing parties, one being the university and one being
20 your company. I mean, there is no doubt in here at all
21 that the fact that these wouldn't be considered security
22 positions. At least some of them would be security
23 positions. That's fine.

24 A. There will be security positions.

25 Q. Leave that out.

1 A. Yes. There will be security positions filled going
2 forward, yes. And, in hindsight, obviously, I should
3 have requested that the director of purchasing through
4 the University of Lafayette -- University of Louisiana
5 Lafayette be here today, but, obviously, I underestimated
6 this hearing, but.

7 MR. GURVICH: Let me go back. I understand, am
8 thoroughly cognizant of what you were saying about ticket
9 takers, invitation, you know, that sort of thing. This
10 board has addressed those issues before.

11 Get back to Title 37:3272, that statute, the
12 Subparagraph 18. It's pretty broad, actually. And it
13 seems to include what your folks were doing out there. I
14 mean, they had to be protecting the property and would
15 have done something if they saw vandals. They would have
16 done something if they perceived someone who hadn't paid
17 trying to park in the lots.

18 I am sure they would have taken some action, even if
19 it was only to a public law enforcement official. But we
20 still seem to be dealing with security matters that have
21 been delineated in Subparagraph 18.

22 MR. BLACKBURN: Mr. Chairman, if I could so that
23 it's all out there, we did, as you recall, pass the rule,
24 rule, not law, rule --

25 MR. GURVICH: It's an administrative rule.

1 That's correct.

2 MR. BLACKBURN: In Title 46, it says, under
3 101.2 (as read by counsel): Professions specifically
4 excluded from the definition of a security officer are
5 ticket takers, ushers, wristband monitors, meeting
6 monitors, crowd counters, badge checkers, informational
7 personnel which he's trying to use, and parking
8 attendants. Those are excluded from security officer
9 when they are doing those functions.

10 And the truth is, what happened here is, he got
11 jammed in, in my opinion, on a contract that he had to
12 sign in a week and get some bodies out there.

13 MR. GURVICH: You are in a closing argument now?

14 MR. BLACKBURN: Yes, sir, I am. And I'm trying
15 to close too if you get my hint. And you have to make a
16 decision if they were providing security or not. I
17 believe they were.

18 MR. GURVICH: Gentleman, do you have a response
19 to counsel's argument?

20 MR. YANCEY: Well, again, a number of the people
21 that were cited had not yet even reported to work. They
22 were just arriving. So the fact that he, Mr. Cain, sat
23 in our Command Center and cited folks as they came and
24 went doesn't indicate to me that he observed them on
25 post.

1 Secondly, ticket takers, ushers, wristband monitors,
2 meeting monitors, parking attendants, badge checkers,
3 informational personnel, I mean, I think, according to
4 this rule, we were certainly in compliance with this
5 rule.

6 Badge checkers is nothing more than checking
7 credentials, correct? And so we were checking
8 credentials in the parking lot and punching holes in them
9 as they went in to show that they were in the proper lot.
10 If they weren't there, we gave them information on --

11 BY MR. GURVICH:

12 Q. Let me interject, if I may. On the subject of
13 parking lot attendants, I think we've got that. I think
14 that we've heard from both parties as to what they were
15 doing. Bag checkers, I'm sorry, maybe it's just me being
16 a little slow, but what --

17 A. No. It says badge checkers.

18 Q. Oh, I'm sorry. Badge checkers.

19 A. Yes, sir.

20 Q. These folks were stationed where?

21 A. Well, badge checkers, we had a lot of people around
22 the Athletic Performance Center, an entrance gate,
23 checking badges coming in. We had, like, nine people
24 around that specific facility checking badges.

25 Q. Okay. And then we had the one usher, I think?

1 A. I had more than one usher on the schedule.

2 Q. Right. I'm not talking about the people that
3 Mr. Cain didn't check. So we are getting a little -- we
4 are looking more at this, what fines, than we are who
5 actually there, because not everybody was checked. So
6 you are kind of getting away with that.

7 A. Yes, sir. And security officer duties include, but
8 are not limited to, prevention of unlawful intrusion or
9 entry. Again, as the gentleman said, we're getting into
10 semantics, but, to me, that would be breaking and
11 entering or entering a place that is criminal.

12 Q. It would also be trespassing, would it not?

13 A. Yes. But somebody who is there for a football game
14 is not trespassing, in my opinion, if they pulled into
15 the wrong parking lot and who may have had the wrong
16 parking credentials. They were just redirected to the
17 proper lot.

18 Q. Well, I'm not saying they would be charged, but
19 someone who was there without the authority to be there
20 would be, in my going back to many years through my
21 criminal practice days, you would be trespassing. And
22 you had no authority to be on this land that did not
23 belong to you and it was screened off and those who did
24 not have the proper credentials were told to leave. I
25 think that's trespassing.

1 A. Yes, sir. We were also not there to prevent larceny
2 and vandalism, protecting property, prevention of abuse,
3 arson. We were simply there to provide a customer
4 service role to the University of Louisiana, or the
5 University of Louisiana Lafayette, so --

6 Q. But -- go ahead. I'm sorry.

7 A. I think that's it in a nutshell, really. We just
8 did not -- we don't deem ourselves as providing security
9 service there with them at this point.

10 MR. GURVICH: Did we arrive at a mutual
11 consensus on who was doing what, or are we kind of
12 handling this all in one like we usually do,
13 distinguishing parking lot attendants from badge checkers
14 and ushers?

15 MR. CAIN: The individual reports, I would ask
16 the guard what specifically did they do, and I noted it
17 on the report.

18 MS. VINSON: Okay. And how many of these in the
19 report did you actually witness doing the function?

20 MR. CAIN: Well, I rode around the stadium and
21 served them on-site. Now, I did not take the report
22 until they came in to the office to turn in their
23 equipment and secure.

24 MR. ROMERO: Mr. Chairman.

25 MR. GURVICH: Mr. Romero.

1 MR. ROMERO: I see that, in the Charge Letter,
2 the violation is listed in the description, and I see
3 that bag checker is identified maybe five or six times.
4 Did you actually see these people checking bags?

5 MR. CAIN: Yes.

6 MR. ROMERO: Okay. Based on the description
7 that has been provided, would you agree or disagree that
8 bag checkers fall under regulation and licensing for the
9 security board?

10 MR. YANCEY: We would agree that it does, yes,
11 sir. It is a security position. However, we contend we
12 did inadvertently have one bag checker there that we
13 posted as a bag checker. We had one. The rest were done
14 by the university.

15 MR. ROMERO: Okay. My question would be, just
16 to try to clarify, Mr. Cain, you said you saw five or
17 six.

18 You are saying there was one.

19 MR. BOOTH: We only had one.

20 MR. ROMERO: Can you maybe explain that?

21 MR. CAIN: Well, as he said, there is apparently
22 a lack of communication between the company and the
23 responsibility of the guards. I observed them checking
24 bags. He says he didn't specifically tell them to do
25 that, but somebody did.

1 MR. BOOTH: There would have been only one
2 person assigned to it. Every person was taken to a
3 particular post and we only had one person at one gate
4 and it was Gate A. I don't have a map. I could show you
5 where that is.

6 I can take a look at the list and tell you by the
7 schedule that you have a copy of where every one of those
8 people would have been posted and was posted, because I
9 had supervisors as well as myself moving around, checking
10 on them. But I can tell you that we only had one person
11 at a gate, without any doubt, because I was around and
12 checking all those, as well as other supervisors.

13 EXAMINATION OF MR. BOOTH BY MR. ROMERO:

14 Q. I do see a Gate A bag checker identified here.

15 A. Yes, sir. Mr. Living, I believe, is his name.

16 Q. Terence, Terence Living, yes.

17 A. I had another one originally scheduled, but called
18 in and could not show up. Original, as Mr. Yancey said,
19 I was given some information that was not completely and
20 totally true as I was trying to hire people in the area
21 down there.

22 My original understanding was, you know, they wanted
23 to try to get the bag checkers in as quickly as they
24 could, because police were handling that solely and only
25 police officers. I tried to get a letter from the

1 captain from Lafayette Sheriff's Office to bring with me
2 today, but just between working and game days, I never
3 got it from him.

4 But we only -- we were trying to hire people, to my
5 understanding, if they had a current security license. I
6 did not know they had to be specifically attached to our
7 company. Now, that was my fault, trying to bring them
8 in.

9 But we had one person that day, and I did not fill
10 any of the other bag search positions. That was all done
11 by the police, because, again, after I talked to Mr. Cain
12 and got clear, concise ruling, I have not put people -- I
13 have not even scheduled bag checkers since that day after
14 getting the complete rule. But I did have one person
15 that day on bag check, and that was all.

16 MR. ROJAS: Mr. Chairman.

17 MR. GURVICH: Mr. Rojas.

18 EXAMINATION OF MR. BOOTH BY MR. ROJAS:

19 Q. Along -- on the sheet that Mr. Cain -- he showed
20 three bag checkers: Rhondel - I don't know if it's
21 Comeaux or Comeaux or -- another one by Joann Isaac, and
22 Living as Gate A bag checker. Those are the three that
23 was listed on this page.

24 A. Ms. Rhondel Comeaux and Ms. Isaac were ushers inside
25 the stadium.

1 Q. It says bag checker on this report. There was bag
2 checks listed on the report that Mr. Cain turned in.

3 A. They were not bag checkers. They were ushers inside
4 the stadium. They were taken and put to the ushers'
5 spot, and I can tell you where that usher spot was.

6 MR. ROMERO: Mr. Cain, did you not say earlier
7 that you did not go into the stadium?

8 MR. CAIN: Pardon?

9 MR. ROMERO: Didn't you mention earlier that you
10 did not go into the stadium?

11 MR. CAIN: That's correct. I did not enter the
12 stadium.

13 MR. BOOTH: Ms. Isaac would have been on
14 Section Q, and Ms. Comeaux would have been near the
15 bushes on the north hill side.

16 MR. CAIN: I noted them as bag checkers. The
17 guard themselves told me that; that was their
18 responsibility.

19 REEXAMINATION OF MR. YANCEY BY MR. GURVICH:

20 Q. Doesn't page 2 of the contract under Section 3-A
21 specifically state "Bag checkers/searchers are to be
22 considered security under the specifications of this
23 agreement"?

24 A. That's correct.

25 Q. And then it enumerates their job is controlling

1 patron access at the event site, conducting visual checks
2 of all patrons, controlling disorderly or disruptive
3 incidents, clearing the event site of all patrons in a
4 reasonable, orderly manner, remaining on site for
5 debriefing, assisting with set-up, providing excellent
6 customer service, defusing volatile situations without
7 the use of force, unless in self-defense.

8 I think this contract understanding and (inaudible)
9 is a security relationship between your company and the
10 university. I can't get away from that.

11 A. Yes, sir. But we did not have anybody -- we did
12 have one person that was listed as a bag checker. We did
13 not have anybody in those roles. Because we have a
14 contract with the university that states we will supply
15 those doesn't mean that we necessarily do that for every
16 single event.

17 Q. Then my question gets back to one previously asked:
18 What number of these 37 people, the parking lot
19 attendants, badge checkers, and ushers or anything else
20 would have absolute breakdowns of --

21 A. I have the list. I'll have it in just one second.

22 MR. YANCEY: One was a bag checker. The rest
23 were parking and ushers.

24 MS. VINSON: I would suggest everyone in here
25 (inaudible) -- but I really think that we probably need

1 to go through each of these and establish, because we are
2 sitting here and we are all flipping through, we are all
3 counting ourselves. I mean, I think the fairest outcome
4 would be for us to go through each page, Stephen Bruno,
5 Gate 4 puncher, what does that mean, and assess
6 individually if the person was doing a security function
7 or not and then evaluate the fine from there.

8 MR. ROMERO: Well, we have another matter at
9 hand, as well as we have Mr. Cain's testimony that he saw
10 these people doing bag checks or was told that they were
11 doing bag checks, and their testimony is, there was only
12 one bag checker.

13 MR. CAIN: I might add that he is correct that
14 they were getting people to work a few days prior to the
15 game. Some of them were even from an employment agency,
16 so they had never worked this type of work before. So it
17 was a, somewhat a confused state of affairs out there.

18 MR. GURVICH: What does -- operation positions
19 not have been entitled to use the -- what's the term for
20 the temporary license?

21 MS. RYLAND: Temporary registration card.

22 MR. GURVICH: Temporary registration. Would
23 they would have been eligible to have had that?

24 MS. RYLAND: They would have had to have had
25 that.

1 MR. GURVICH: They would have gone to -- but
2 they could have been licensed in time? You submit the
3 application, but you don't submit the check, is that you
4 can work for 21 days?

5 MS. VINSON: No. Ten.

6 MS. RYLAND: You have to submit the application
7 within 20 days of the date of hire, so that date that
8 they put them out there the first day, then they had 20
9 days from that date, which was November 3rd, I think --
10 no. October 31st. They had 20 days from that date to
11 actually get the application and the fees in our office,
12 but they should have been -- if they were a security
13 officer, they should have been holding a temporary
14 registration card.

15 MR. GURVICH: What was the one that they used to
16 call Special Event; we don't have that anymore?

17 MS. RYLAND: We don't have that anymore.

18 MR. GURVICH: You could work 20 days or
19 something in a 6-month period.

20 MS. RYLAND: You would get a list. The company
21 would just do a list. That's gone away, yes.

22 MR. KENNEDY: That's no longer effective.

23 MR. GURVICH: Well, I mean, but there is a way
24 that we could have them expedited --

25 MS. RYLAND: I mean, if they were doing security

1 out there, they should have had a temporary registration
2 card.

3 MR. GURVICH: Right. Temporary.

4 MS. RYLAND: Right.

5 MR. GURVICH: Well, the suggestion has been made
6 to -- I'm sorry.

7 MR. YANCEY: I would like to address Mr. Cain's
8 comment and Ms. Ryland's. Yes. We did have temporary
9 workers there, which is another reason why we wouldn't
10 have put them in security positions. We, just because of
11 the limited time frame getting to the university with the
12 contract, we were not able to fill a full staff. So we
13 did have temporary workers there. They were not put in,
14 in security positions.

15 And then I agree with Ms. Ryland. If we would have
16 had people there providing security, they should have had
17 a temporary license or card at the least. But we did not
18 post anybody in security, so we didn't feel the need to
19 do that.

20 MR. GURVICH: All right. Well, the suggestion
21 was made that we go through these things, these names,
22 individually, but you just said that it's your contention
23 that there was one bag checker and everyone else was
24 essentially a parking lot attendant?

25 MR. YANCEY: Yes, sir.

1 MR. ROMERO: Mr. Chairman.

2 MR. GURVICH: Mr. Romero.

3 MR. ROMERO: Was that one bag checker
4 registered?

5 MR. YANCEY: No, sir. He didn't -- our
6 information was that he had been a previous licensed
7 security guard, and we were operating at that time under
8 the assumption that the person was licensed through the
9 state, not through the company. And then, obviously, we
10 found out that that wasn't the case.

11 So, in attempting to get him licensed, he left.
12 After we got the letter and realized that we were in
13 violation with that one particular person, he actually
14 left with his full-time job and went to Texas for a
15 couple weeks and we weren't able to get that handled.
16 But we do have his information now. We are planning to
17 have him licensed before we leave here today or at least
18 as early --

19 MR. ROJAS: Mr. Chairman.

20 MR. GURVICH: I think Mr. Rojas has a question.

21 MR. ROJAS: I think, if Mr. Yancey has been
22 licensed with the state, he should have known that, other
23 than not knowing, now, all of a sudden, you don't know
24 it, about them needing a license.

25 MR. YANCEY: Our previous qualifying agent is no

1 longer with the company.

2 MR. ROJAS: Okay.

3 MR. KENNEDY: Mr. Chairman.

4 MR. GURVICH: Mr. Kennedy.

5 MR. KENNEDY: I do notice on their invoice, they
6 did only bill the university for one Gate A bag searcher
7 for six hours.

8 RE-REEXAMINATION OF MR. BOOTH BY MR. GURVICH:

9 Q. MR. GURVICH: Well, let me run this scenario by:
10 If, say, it were manned by a lot of people so the
11 visitors can come to the event and get out and so forth
12 and so on, if a woman had a purse, maybe a larger than
13 average purse, would that have been subject to search?

14 A. I think they said they have boxes up there that they
15 set the -- that they used last year that they set the bag
16 in and, if it is within that size, then, yes, they would.

17 Q. And so the woman would enter at that gate after a
18 search, or she would go to the special gate?

19 A. She would enter at -- there are four patron gates
20 that people come in mainly, and there's a fifth that goes
21 in to the press box.

22 Q. So her bag is too big. So what happens?

23 A. She should take it back out to -- the police would
24 tell her to take it back out to her vehicle, and then she
25 would come back through the line again if she had a bag.

1 They have an express lane if you don't have bags that you
2 can go through, without the search to my -- what they
3 told us how it's set up. And if you have bags, you go
4 through a certain routine.

5 Q. So if, say, a woman has a regular size purse that
6 fits within the confines of this box, it's not searched
7 at all?

8 A. Yes. They look at it.

9 Q. Who looks at it?

10 A. Either the police or the bag searcher.

11 Q. And the bag searcher would be one of your folks?

12 A. If it was a person assigned there.

13 Q. Well, I'm not -- let's -- you've got a stadium THAT
14 holds how many people?

15 A. I think that's 37-, 38,000. I'm not sure.

16 Q. So there is one bag check guy there. We know that.
17 He is at a special gate, right?

18 A. No. He was at a regular gate with police.

19 Q. Okay. He's at a regular gate with police. But
20 let's say you're not entering at that gate, but let's say
21 that you have a purse. Who would check your purse?

22 MR. YANCEY: Law enforcements can check on the
23 purses this year.

24 A. Yes. Law enforcement is assigned to every entry.

25 BY MR. GURVICH:

1 Q. None of your people at any point check the purses?

2 A. No, no, no. Only that one person I had assigned
3 that day, and, again, I was -- it is my fault on that
4 person. I was misinformed about the exact rule. But,
5 yes. I had one person assigned. But as far as anybody
6 else, no, sir.

7 Q. So to get back to this point that I want to
8 establish, your part of the testimony here, there was 1
9 bag checker and 36 parking lot attendants?

10 A. Not all of them were parking lot attendants, looking
11 at this list. Some of them were --

12 MR. ROJAS: Two of them were supervisors.

13 A. And one of them is my name. My name is on there,
14 and I was a supervisor/event manager. I was training
15 in --

16 BY MR. GURVICH:

17 Q. All right. So you have two supervisors or event
18 managers, you have one bag checker. Where does that
19 leave us?

20 MS. VINSON: And there were a few listed ushers.

21 MR. BOOTH: Yes. I have several that are ushers
22 that are on this list, and then there were parking
23 attendants.

24 BY MR. GURVICH:

25 Q. Okay. How many were parking attendants?

1 MR. ROJAS: Are gates parking attendants?

2 MR. BOOTH: Anything that is a gate, like, Gate
3 4, Gate 3 is for the RVs.

4 BY MR. GURVICH:

5 Q. Can we have absolute numbers so I can --

6 A. Okay. Let me see if I can run these names down for
7 you real quick individually.

8 REEXAMINATION OF MR. CAIN BY MR. GURVICH:

9 Q. While he is doing that, Mr. Cain, I take it -- I
10 don't want to put words in your mouth, but you were
11 there; you observed the activities of the folks that were
12 employed by Event?

13 A. Yes, sir.

14 Q. And you heard the testimony of this gentleman. Is
15 that not what you observed there, or is it something
16 totally different that you saw going on?

17 A. The only thing I would correct is, he said I was
18 there at shift change. I was informed to be there at
19 1:30 in the afternoon, when the individuals would come
20 and check in. The parking lot attendants arrived a lot
21 earlier than that, and they were already on post when I
22 arrived.

23 Therefore, I rode around the different posts,
24 observed them there. As they came in to turn in their
25 equipment, that's when I wrote them up and asked them

1 specifically what their duty and responsibility was and
2 documented it on the report.

3 Q. It's out in the parking lot?

4 A. Right.

5 Q. Did you observe people checking bags or whatever at
6 gates that were employed by Event Group, other than the
7 one individual that they acknowledged?

8 A. Two other people.

9 Q. So there were -- again, I don't want to put any
10 words in your mouth. On three occasions, you observed
11 individuals working for Event who were checking bags?

12 A. Yes.

13 Q. Do you recollect the gates where this may have
14 occurred?

15 A. It's probably documented in my report the date and
16 times.

17 Q. Are your reports in the file here?

18 MS. RYLAND: They are attached to that
19 administrative fine letter.

20 MR. ROJAS: The only gate that was Gate A, and
21 that was delivery.

22 MR. KENNEDY: Mr. Chairman, may I ask a
23 question?

24 MR. GURVICH: Sir.

25 MR. KENNEDY: What were the duties of the

1 officer assigned to Sorority Row?

2 MR. BOOTH: Do what, sir?

3 MR. YANCEY: He was the --

4 EXAMINATION OF MR. BOOTH BY MR. KENNEDY:

5 Q. The duties of the officer assigned to or the
6 individual assigned to Sorority Row.

7 A. Checking passes coming into Sorority Row, parking
8 passes.

9 Q. That's it; no bag checks, nothing, just checking
10 passes?

11 A. No, sir. It's off -- off-stadium. It's about a
12 block off stadium, also in a different direction.

13 Q. Well, to me, that's irrelevant where it's at. Are
14 they doing security duties or what? What duties are they
15 performing?

16 A. Checking passes for people parking in the --
17 Transportation Services for the university said they were
18 a couple of people short and asked us to take a couple of
19 their past check spots and they have, like, for Sorority
20 Row and -- I think they originally asked for Fraternity
21 Row, but then they took it off.

22 MR. KENNEDY: So they were not stationed at a
23 sorority house entry checking people in?

24 MR. BOOTH: No, sir. They were at the entrance
25 to the parking lot.

1 MR. KENNEDY: All right. Thank you.

2 MR. BOOTH: Yes, sir.

3 MS. VINSON: I counted 17.

4 MR. GURVICH: 17 in the parking lot?

5 MS. VINSON: Yes.

6 MR. GURVICH: Well, right now as it stands, I'm
7 at 2 superintendents who were event coordinating, 1 bag
8 checker, 17 parking lot. How do we want to characterize
9 this? They were attendants?

10 MR. YANCEY: That's the way we categorized them,
11 sir, as parking attendants. Yes, sir.

12 MS. VINSON: Yeah. Some of these, like, didn't
13 have information. Some stuff. I don't know what a
14 puncher is.

15 MR. YANCEY: Just punching a hole in a pass to
16 show that it's been used.

17 MS. VINSON: Yeah. But I don't know if that
18 means a parking lot or someplace else. But it counts as
19 a puncher only if it's specified.

20 MR. ROJAS: Only the gate hole-punchers.

21 MS. VINSON: Yes. But if it's specified
22 parking, I counted it.

23 MR. GURVICH: All right. Well --

24 MR. CAIN: Gate 4 and Gate 5 has persons
25 checking.

1 MR. GURVICH: You observed -- I mean, because
2 it's not entirely clear from this little thing here,
3 form, Security Officer Post Check, you observed three
4 individuals checking things?

5 MR. CAIN: Right.

6 MR. GURVICH: Which is in variance with you
7 all's testimony, that there was one?

8 MR. YANCEY: Yes, sir.

9 MR. BOOTH: Yes, sir.

10 MR. GURVICH: Well, are there any other
11 questions for any of the parties here? Counsel, are the
12 records in order?

13 MR. BLACKBURN: No, sir. As we previously
14 submitted as State 1 the pictures of the uniform and
15 submit in globo our file as State 2.
16 (Exhibit S-2 marked.)

17 MR. BLACKBURN: And one last closing, a repeat
18 of my closing is -- shortly, is, I think it's clear that
19 he has employees working who were doing security
20 functions because it was a tight time line and he
21 couldn't get licensed guards there on time. But, and the
22 same people will be there next time and he will have them
23 licensed and they will be security guards.

24 MR. GURVICH: Response?

25 MR. BOOTH: Not all the same people will be

1 | there, because a lot of them are temporary staff.

2 | MR. BLACKBURN: I didn't mean that individually.

3 | MR. BOOTH: I mean, but most of these on this
4 | list were temporary staff and they are not at every game
5 | and they won't be necessarily still with that particular
6 | staffing company next year. We're hoping to get out of
7 | the staffing company.

8 | MR. YANCEY: Counsel's accusation there is that
9 | we are trying to circumvent the system, and that's not
10 | evident, sir. That's an opinion and --

11 | MR. BLACKBURN: That's what I get to do on my
12 | closing, sir.

13 | MR. YANCEY: And, quite frankly, you know,
14 | that's incorrect. So, that, I'm a little offended by
15 | that, but. But that's, that's not true at all. We were
16 | certain -- I mean, we are trying to operate under the
17 | rules and regulations and laws of the State of Louisiana
18 | in good faith. I mean, we, we are here today to contend
19 | this infraction, because we feel it's incorrect, and we
20 | don't feel that the proper due diligence was done.

21 | I think Mr. Cain came. It was raining. He cited
22 | people as they came in and went out. He got 37 names,
23 | and he left.

24 | MR. GURVICH: Well, were they -- okay. Thirty-
25 | seven names. These were people who were there, I take

1 | it. They had to be there, or he wouldn't have gotten
2 | their names.

3 | MR. YANCEY: Yes, sir.

4 | MR. BOOTH: He came through the (inaudible)
5 | side.

6 | MR. GURVICH: And they weren't there for any
7 | other reason than to work, I presume; is that fair to
8 | say?

9 | MR. YANCEY: That's correct.

10 | MR. BOOTH: That's correct.

11 | MR. GURVICH: Okay. Anything further from the
12 | parties?

13 | MR. BLACKBURN: No, sir.

14 | MR. GURVICH: Okay. Just by way of summary,
15 | this is an appeal from board staff action assessing a
16 | fine of \$50.00 per violation for 37 violations; is that
17 | correct?

18 | MR. BLACKBURN: Correct. And I would amend it
19 | now to make it 35, because we have 2 that --

20 | MR. GURVICH: Okay. So I don't think there's
21 | any objection on your part for saying there are 35, not
22 | 37. Now, that's not -- you are not agreeing with any of
23 | them, correct, but they are on their own withdrawing two
24 | of the allegations?

25 | MR. YANCEY: Yes, sir.

1 MR. GURVICH: Okay. So we are now at 35.

2 MS. RYLAND: What are the names of the two that
3 were taken off?

4 MR. ROJAS: Booth and Pittman, the two
5 supervisors that was taken off.

6 COURT REPORTER: What was the first name?

7 MR. CAIN: Booth.

8 MS. RYLAND: I don't see a Pittman on here.

9 MR. GURVICH: The allegation as it relates to a
10 Booth and Pittman have been withdrawn.

11 MR. YANCEY: Joseph Domingue was at the compound
12 and never left the compound. He was there all day, so he
13 was obviously not --

14 MR. BOOTH: I think where he put Cheryl Paul,
15 that should be Cheryl Pittman.

16 MR. GURVICH: Cheryl Pittman. Cheryl Pittman
17 and who else?

18 MS. VINSON: Where is that? I am looking at
19 something.

20 MR. CAIN: Booth, Mr. Booth sitting at the table
21 there.

22 MR. GURVICH: All right. Okay. And yourself.
23 Okay. Fine. Okay. So those two allegations have been
24 withdrawn. All right. So, this is an appeal, as I say,
25 an appeal that was made by Event Group. The floor is

1 open to motions. We have someone intending to make a
2 motion?

3 MS. VINSON: I want to make a motion. Based on
4 the testimony that Mr. Cain did not actually go to each
5 location and see the officers or see the individuals
6 performing the duties and while they were interacting at
7 their job function, we're going to stipulate that to the
8 one fine for the one bag checker. And I think the
9 allowance for that fine is \$500 for the one fine for the
10 one bag checker. That's my motion.

11 MR. GURVICH: And you want to dismiss the other
12 fines?

13 MS. VINSON: Dismiss all other fines.

14 MR. GURVICH: Okay. So, Ms. Vinson's motion, as
15 I understand it, is that the one individual that we
16 acknowledged was a bag checker and that individual's name
17 was Terence Living. The fine against him will be
18 increased to \$500. All other fines will be dismissed.

19 MR. ROMERO: I second the motion.

20 MR. GURVICH: Motion by Ms. Vinson, seconded by
21 Mr. Romero. Final comments/arguments, Counsel?

22 MR. BLACKBURN: No further.

23 MR. GURVICH: Gentlemen, we have a motion on the
24 floor. Going once, going twice.

25 MR. ROJAS: I have a question. Plus

1 | administrative costs?

2 | MS. VINSON: I did not include administrative
3 | costs. If anyone wants to --

4 | MR. BLACKBURN: Well, that's automatic, because
5 | you all passed it as a resolution at one time or another.

6 | MS. VINSON: That's all right.

7 | MR. GURVICH: Any further comments, discussion,
8 | or debate? I'll call for a vote, then. All in favor of
9 | the motion as stated say aye.

10 | ALL BOARD MEMBERS: Aye.

11 | MR. GURVICH: Any opposed? The motion passes
12 | unanimously. So I think that affects, this motion, the
13 | fines, but the fine of the usher or the bag checker that
14 | we acknowledge, that everyone acknowledges, that's been
15 | increased to \$500. So you are coming out way ahead in
16 | terms of monetary, the board's addressing the monetary
17 | fines.

18 | Now, going forward, though, I think it's the sense
19 | of the board, correct me if I'm wrong, that we would
20 | expect these people to be licensed going forward.

21 | MR. YANCEY: Every single person that works on
22 | campus or bag checkers?

23 | MR. GURVICH: I don't think there is a fine line
24 | as you pointed out, but, certainly, a bag checker.

25 | MR. YANCEY: Yes, sir. It's our --

1 MR. GURVICH: Anyone who may be called upon
2 during the course of the shift to be a bag checker, I
3 think, needs to be licensed, quite clearly.

4 MR. YANCEY: It's fully our intention to do so.
5 As a matter of fact, people who will have security
6 licenses with our company going forward may be put in
7 customer service roles and not even work in security, but
8 it is our goal to hire and license as many security
9 personnel as possible so that we can fill these positions
10 going forward.

11 MR. GURVICH: And it's a contractual
12 relationship. It's also an operational situation. It is
13 what it is. You're going to have to look at this very
14 carefully and look at the statute, because the goal post
15 can move, depending on what one customer wants you to do
16 versus the next one.

17 I would look at this very carefully, and I would
18 definitely get with staff and look at the possibility of
19 getting these folks registered so that -- I mean, I find
20 that the most damning thing here, frankly, being the fact
21 that the excerpts of the contract you have with the
22 university. And it seems to me that I think you are
23 coming off well in this.

24 There are some -- there's no hard line, but at the
25 end of the day, this contract, to me, kind of indicates

1 | that everybody is expecting that they are going to have
2 | security for this event and that you are going to be the
3 | one providing it.

4 | So, certainly, bag check. But there may be other
5 | positions that, depending on what you are contracting to
6 | do with each individual customer, that they are going to
7 | be -- they are going to fall going forward under the
8 | aegis of security.

9 | MS. VINSON: We --

10 | MR. YANCEY: And I agree. Yes, ma'am?

11 | MS. VINSON: I'm sorry. We have seen before,
12 | and I hate to see you get into this pickle, when your
13 | staff shows up, you never know where the university staff
14 | is short or where the event staff is short. So they
15 | might utilize your people in some of those roles, where
16 | it could overlap in a security function. And then that
17 | person needs to be registered.

18 | So I think, for your own protection, it's advisable
19 | to have them registered as security officers. It's
20 | better to be safe than sorry when you are out there.

21 | MR. YANCEY: Yes, ma'am.

22 | MR. GURVICH: But at any rate, that does it.
23 | Thank you for being here. I'm sorry. Do you want to --

24 | MR. YANCEY: I was just going to say, I
25 | understand your position on the excerpt that we took from

1 | the contract. But it also states that there are
2 | non-security positions listed within this contract as
3 | well. And at every event, there will be non-security
4 | roles and security roles.

5 | MR. GURVICH: I understand that.

6 | MR. YANCEY: It's just our contention this year
7 | that we are not providing the security side of things
8 | this year.

9 | MR. GURVICH: Take a hard look. Take a hard
10 | look.

11 | MR. ROMERO: Exactly. I think, again, don't
12 | apply necessarily your own definitions or strictly the
13 | university's definitions. Look at the statute and
14 | determine the position based on the statute or the rule
15 | rather than one's own determination, because that could
16 | be, could be wrong.

17 | MR. YANCEY: I agree. I think that our
18 | assumption that someone working as a parking attendant
19 | based on the rule, and I guess it's Title 46, would list
20 | it as a non-security personnel or ushers or non-security
21 | ticket takers, badge checkers, those folks. So, and
22 | those were the positions we attempted to fill at the
23 | university this year, so.

24 | MR. ROMERO: There are people on the board that
25 | would maybe disagree with your assessment of the parking

1 attendant and what their duties and responsibilities and
2 whether they fall within the rule.

3 MR. YANCEY: Is there a more specific definition
4 of "parking attendant"?

5 MR. GURVICH: That's certainly something that
6 could be looked at again. One thing that occurs to me,
7 you could certainly open a dialogue with the security
8 staff and see -- you know, derive the benefit of their
9 feelings about this, which are not absolutely decisive.
10 The law is the law and we have to interpret it and, above
11 us, the courts interpret it. But, certainly, open a
12 dialogue and maybe ask in advance, hey, this is what this
13 calls for, what are your thoughts? And that would be
14 helpful going forward, I would think.

15 MR. YANCEY: We will do that. Thank you.

16 MR. GURVICH: Thanks for being here. Next
17 matter. Is there any sign that we should take a break?
18 Or I'm open to suggestions.

19 MR. BLACKBURN: We can probably roll through
20 these bottom four pretty quickly.

21 MR. GURVICH: Okay, Counsel. Take it away.

22 MS. VINSON: Do we have No. 2?

23 MR. BLACKBURN: Yes. They're working on it.

24 MR. GURVICH: Keep it moving.

25 MS. VINSON: Did you say we needed executive

1 session?

2 MR. ROGILLIO: If we go beyond the No. 2, we'll
3 have to go into executive session.

4 MR. GURVICH: Do you want to knock out
5 everything that we can before we go into executive
6 session?

7 MR. ROGILLIO: Are we ready with No. 2?

8 MS. VINSON: No. 2?

9 MR. GURVICH: Okay. So that requires No. 2
10 being, of course --

11 MR. ROGILLIO: Weiser Security Services.

12 MR. GURVICH: Okay. Does that require us to go
13 into executive session?

14 MR. ROGILLIO: No, sir. No, sir.

15 MR. GURVICH: Okay. We have a gentleman here
16 that someone, some other folks, from Weiser. Step
17 forward. Give this lady your name, find a microphone
18 over there, and we'll proceed.

19 WEISER SECURITY SERVICES

20 MR. GURVICH: Counsel, would you give us an
21 overview of where we are, how we got here, what the
22 problem is as it were.

23 MS. AUCOIN: It's Weiser. Is it okay if we have
24 a minute to read what --

25 MR. GURVICH: Certainly.

1 MS. VINSON: (Inaudible).

2 MS. AUCOIN: Yes. Sorry.

3 MR. GURVICH: Shall we take a ten-minute break?

4 Would that behoove everyone? Counsel?

5 MS. VINSON: Yes, please.

6 MR. GURVICH: Okay. Then why don't we reconvene

7 in ten minutes, then.

8 (Recess taken.)

9 MR. GURVICH: Let's go back on the record.

10 Gentlemen, would y'all (inaudible).

11 MR. BLACKBURN: Mr. Chairman, if I may

12 interrupt, the next one on the agenda was Weiser

13 Security. I have done some investigation, looked at the

14 reports and all that, and we are going to withdraw this

15 charge.

16 MR. GURVICH: All right. Just for housekeeping

17 purposes, let's get y'all's -- both names on the record.

18 MR. PATIN: My name is Matt Patin. I'm the

19 director of corporate compliance for Weiser.

20 MS. BUTLER: I am Patricia Butler, supervisor

21 for Weiser.

22 MS. WASHINGTON: And I'm Lameika Washington,

23 branch manager.

24 MR. GURVICH: Thank you. Okay. Counsel, so you

25 wish to withdraw the allegations --

1 MR. BLACKBURN: We withdraw these charges, yes,
2 sir.

3 MR. GURVICH: -- and charges.

4 MR. BLACKBURN: They have some other information
5 they want the board to provide, which I have instructed
6 them that I would rather they make an appointment with
7 Mr. Rogillio and come see him about their complaints.

8 MR. GURVICH: All right. Well, first off, so
9 this was an appeal of board staff action by them?

10 MR. BLACKBURN: Right.

11 MR. GURVICH: Now, the board assessed a fine, as
12 I understand it, and they appealed it and here we are.
13 And you all now wish to, in effect, un-assess the fine.

14 MR. BLACKBURN: Yes, sir. Yes, sir. I could go
15 into further detail, but there's no need to.

16 MR. GURVICH: All right. Well, I guess, if you
17 want to withdraw the fine, is there -- the board may wish
18 to hear about this matter further, but I guess, for the
19 purposes of the fine itself, is there any objection to
20 the withdrawal of the fine?

21 MS. VINSON: No.

22 MR. ROMERO: No.

23 MR. ROJAS: No.

24 MR. GURVICH: Right. Well I think Mr. Rojas got
25 there just in a split-second.

1 MR. ROJAS: I said I had no objections.

2 MR. GURVICH: To the withdrawal of the fine.

3 MR. ROJAS: To the withdrawal of the whole
4 thing.

5 MR. GURVICH: Mr. Romero.

6 MR. ROMERO: I have no objection to the
7 reduction or the withdrawal of the fine, but out of the
8 sense of courtesy for these individuals coming here, I
9 would like to hear more.

10 MR. GURVICH: Okay. Then I'm going to fine a --
11 I will consider the matter, the fine, withdrawn, hearing
12 no objection thereto. And so the fine is withdrawn by
13 the state, the board staff. Okay?

14 So now we are in a different sort of setting where
15 we are just hearing from witnesses, and this is not
16 specifically about whether the technicality of the fine
17 occurred or not. Okay? Is everyone on board there?

18 MS. BUTLER: Yes, sir.

19 MR. GURVICH: Okay. Mr. Romero, you had made a
20 comment, so if you wish to further define or give us a
21 direction, then the floor is yours.

22 MR. ROMERO: Again, to restate what I said
23 previously, out of courtesy to Weiser for coming here to
24 address this \$50 fine, placing all this information in
25 the report as they have done here, I would like to give

1 | them the opportunity to address the full board, should
2 | they choose to do so. Should they choose not to do so,
3 | then we are accepting of that as well. The fine is
4 | waived, and we consider this matter resolved.

5 | MR. BLACKBURN: Mr. Romero, I would move -- ask
6 | that you move to go into executive session if you are
7 | going to take this testimony.

8 | MR. GURVICH: Well, it wouldn't technically be
9 | testimony, I guess, at least not as far as this fine is
10 | concerned.

11 | MR. BLACKBURN: Okay. Take the information that
12 | is going to be presented to you.

13 | MR. ROMERO: I will make a motion. I will make
14 | a motion to enter into executive session for this matter.

15 | MR. GURVICH: For the purpose of hearing from
16 | these witnesses -- well, these representatives regarding
17 | the matter --

18 | MS. VINSON: Just regarding some concerns?

19 | MR. GURVICH: -- adverted to in the report of a
20 | guard incident of 10/30/15 (sic). Is that adequate?

21 | MR. ROMERO: That's adequate.

22 | MS. VINSON: Second.

23 | MR. KENNEDY: Second.

24 | Mr. GURVICH: Okay. So I have a motion by
25 | Mr. Romero, seconded by Mr. Rojas, I believe -- I'm

1 | sorry, Mr. Kennedy and Ms. Vinson. The motion to go into
2 | executive session requires a two-thirds vote which, in
3 | this case, would be four. All in favor of the motion to
4 | go into executive session, please raise your hand.

5 | (All board members indicate by raising hands.)

6 | MR. GURVICH: One, two, three, four, five, six.
7 | The motion passes unanimously. I now direct, Chief, if
8 | you would, we are going to go into executive session
9 | which requires that we clear the room of all individuals
10 | who are not here to speak to the issue or are not
11 | directly involved.

12 | MS. RYLAND: Mr. Gurvich, for a housekeeping
13 | matter, you didn't -- there was not -- was there a motion
14 | made to waive the -- oh, no. You withdrew it, so we
15 | didn't have to have a motion to do that. Y'all just
16 | agreed on it.

17 | MR. GURVICH: Right. The board staff has
18 | withdrawn the fine, and there being no objection thereto,
19 | I rule that matter moot. And now we are just here to
20 | hear from the representatives of Weiser in executive
21 | session regarding this matter. But it's not an
22 | adversarial fine situation. We are not in an adversarial
23 | hearing. That pretty much -- does everyone understand
24 | what I just said?

25 | MR. BLACKBURN: Mr. Chairman.

1 MR. GURVICH: There is a question that has been
2 addressed to me: Is it appropriate for Mr. Cain to be in
3 the room?

4 MR. BLACKBURN: Yes, sir. Yes, sir. It's
5 appropriate. It is going to be discussed about him.
6 (Executive session.)

7 MR. GURVICH: We are now out of executive
8 session. I want to thank the representatives from Weiser
9 for being with us today. And I certainly appreciate you
10 taking the time to get all this done. Thank you.

11 MR. PATIN: Thank you.

12 MR. GURVICH: Okay. Now, where are we, Counsel?

13 MR. BLACKBURN: We have five hearings. Four of
14 them, we are going to go forward with. We will need to
15 go into executive session, because we have to go through
16 criminal histories.

17 MS. BUTLER: Merry Christmas to y'all.

18 MR. ROMERO: Merry Christmas to you. Thank you.

19 MR. BLACKBURN: The fifth one needs some further
20 research, and we would like to defer it to the next
21 meeting of the board.

22 MR. GURVICH: All right. What is the matter you
23 all wish to defer?

24 KAYLA KING

25 MR. BLACKBURN: Kayla King.

1 MR. GURVICH: Is there anybody here for Kayla
2 King?

3 MS. AUCOIN: She's coming. I'm just going to go
4 get her.

5 MR. GURVICH: This is already continued.

6 MS. AUCOIN: This is a request on our behalf,
7 because we do not have a file, and due to the nature of
8 her matter, it looks like it's a deferred adjudication in
9 Florida. We need some time to research to determine what
10 that means for purposes of our laws.

11 MS. VINSON: Is that Ms. King?

12 MR. GURVICH: Ma'am, if you would come on, come
13 forward and give this lady your name and address and find
14 a microphone, I think we can expedite this pretty
15 quickly. So, ma'am, there is an administrative issue
16 here, in which case you were -- she was fined.

17 She was going to be fined.

18 MS. AUCOIN: No, sir. Ms. King appears to have
19 been denied. Her application was denied, and it was
20 based upon an issue she had in Florida. As I explained
21 to Ms. King a few minutes ago, I'm just going to make
22 this motion before y'all, and then we will see where this
23 goes.

24 Mr. Blackburn and I were not aware of her matter
25 until this morning, and due to the nature of the

1 | proceedings against her in Florida, I feel that we need
2 | to do a little bit of research into the type of
3 | proceeding it was so we can determine --

4 | MR. GURVICH: Are they ongoing proceedings?

5 | MS. AUCOIN: It does not appear to be, but it
6 | was a deferred adjudication, so we would like to see
7 | where that fits into our laws, do some research.

8 | MR. GURVICH: Okay. She's not working right
9 | now? She doesn't have a license?

10 | MS. AUCOIN: What Ms. King has just told me
11 | is -- I'm not sure, and she can correct me if I'm wrong,
12 | but she may have lost her job due to this. So she is not
13 | necessarily in agreement with continuing it too far. I
14 | don't know what kind of resolution we can reach.

15 | MR. GURVICH: She's got a point.

16 | MS. AUCOIN: I understand that.

17 | MR. GURVICH: She is out of a job, can't work.

18 | MS. AUCOIN: That's where we are. I will let
19 | her say what she needs to say.

20 | MR. GURVICH: What's the nature, if I may ask?

21 | MS. AUCOIN: It isn't aggravated -- no. Grand
22 | theft. Sorry.

23 | MR. GURVICH: A grand theft?

24 | MS. AUCOIN: Grand theft.

25 | MR. GURVICH: Okay. And this is a case that's

1 | been concluded; it's a criminal matter that's been
2 | concluded?

3 | MS. AUCOIN: It appears so. We have in the
4 | file, and I'm sure Ms. King has a copy -- if not, I will
5 | give her one -- of her order of probation placing her on
6 | 24 months of supervised probation. Adjudication of guilt
7 | was withheld. This was back in 2011. And so,
8 | presumably, it is concluded. We don't have anything
9 | saying that to the contrary.

10 | MR. GURVICH: Okay. Well, that's a moral
11 | turpitude. Is it felony or a misdemeanor?

12 | MS. AUCOIN: That's what I would like to look
13 | into because of the fact -- ma'am?

14 | MS. KING: It's a third degree felony.

15 | MS. AUCOIN: The crime itself may be a felony;
16 | however, the nature of the proceedings, the document says
17 | it's ordered and adjudged that the adjudication of guilt
18 | is hereby withheld and that you were placed on probation.
19 | I would like to look into what that means in Florida to
20 | determine whether or not it counts as a conviction of
21 | what our law says in relation to that.

22 | MS. KING: It's like the Pretrial Diversion
23 | Program that y'all have here. It's just the terminology
24 | is different. As far as Florida law, in Chapter 318,
25 | Section 14, Sub 11, adjudication was held. It's not a

1 conviction. It's deferred upon probationary appointed by
2 the judge, for which they gave me 24 months, but if
3 completed within a year, then I could get out early. I
4 mean, I could -- the probation would end early if I could
5 complete it within a year, which I did.

6 And then I was a security guard at the time, so with
7 the circumstances, they -- a part of my probation is that
8 they couldn't contact my attorney. But the charges were
9 deferred so that we actually, as far as licensing and
10 employment purposes, I wouldn't be considered convicted.

11 MS. VINSON: You wouldn't be considered what?

12 MS. KING: Convicted.

13 MS. AUCOIN: And that is certainly possible. I
14 just haven't had time to confirm that. I'm not sure if
15 this is something that we have done in the past where we
16 have been able to -- I forget how we did it -- provide
17 y'all with the information or the board staff with the
18 information to say whether or not this -- you know, we
19 can remove the denial based upon it not being a
20 conviction and then proceeding in accordance to that.

21 MS. KING: There was a case on State v. Jones
22 back in 2010, where the State of Louisiana did try to --
23 they arrested him for possession of a firearm, a
24 convicted felon. He had the charge back in Florida.
25 They withheld adjudication, and the Court did overturn

1 the decision.

2 MR. BLACKBURN: It's very similar to the way we
3 treat pretrial interventions and 893s.

4 MR. GURVICH: Well, you have moved to continue
5 the matter and she is objecting; is that it?

6 MR. BLACKBURN: I think she wants -- she is
7 semi-objecting. Yes.

8 EXAMINATION OF MS. KING BY MR. BLACKBURN:

9 Q. Let me ask you one question: Did the grand theft
10 occur while you were a security guard on the job in
11 Florida?

12 A. Not on the job, no. It was away from the job,
13 off-hours.

14 Q. It had a nothing to do with the job?

15 A. Nope. Actually, it was on my off day, so I got out
16 in time to go back to work. That's why, on the
17 conditions of my probation, that they withheld -- unless
18 I violated, they could not contact my employer.

19 MR. GURVICH: All right. Did either party ask
20 for a continuance in this matter before?

21 MR. BLACKBURN: No, sir.

22 MR. GURVICH: Okay. It is customary that a
23 continuance, one continuance, be granted.

24 MR. BLACKBURN: I want to reconsider,
25 Mr. Chairman. If she is losing her job, and there's a

1 possibility she -- this may be correct.

2 MS. KING: That's what I'm saying. I wrote a
3 letter on November 23rd, when they received it.

4 MR. GURVICH: Hold on a sec. I'm sorry?

5 MS. KING: Oh, I'm sorry. On November 23rd,
6 they received it. The notice, I had called and I was
7 speaking with Jane Ryland on both occasions. She just
8 stated for me to come in on December 9th, when there
9 would be a hearing.

10 Yesterday I contacted her and said, I didn't receive
11 a notice, but did I still need to come?

12 And then she told me, yes, that they would just put
13 me down to be seen.

14 MR. GURVICH: Right. Are you still employed?

15 MS. KING: Am I still employed? No. They said,
16 if they overturned the decision, then I could come back.

17 MS. VINSON: I'd like to make a motion.

18 MR. GURVICH: Okay. Go ahead. The floor is
19 open.

20 MS. VINSON: I'm sorry. I'd like to make a
21 motion. I'd like to make a motion that we grant an
22 unarmed license pending that counsel still just
23 investigates the matter as the former procedure, and
24 should something come up that would require a denial,
25 then we will meet back at the next meeting. If

1 everything goes okay, because I believe they said they
2 think that you are correct, then we will just continue it
3 with you being licensed.

4 MS. KING: Okay.

5 MR. GURVICH: I think that there's a lot of
6 merit to the motion. I would just make one suggestion,
7 that if -- it's a temporary license authorization, I
8 assume. I'm just suggesting that if they -- if the board
9 staff definitively finds that there is a legitimate
10 factual problem, that they have the authority to
11 terminate the license when they so define this
12 information.

13 In other words, I agree with what you are saying,
14 but just don't give them till the next board meeting.
15 Give them till the board staff finds out definitively one
16 way or the other. If there is still a problem, then I
17 think they would be allowed to -- the way I emphasize it
18 is, they would be allowed to terminate the license --

19 MS. VINSON: Terminate before, yes.

20 MR. GURVICH: -- before the next meeting.

21 MR. BLACKBURN: And we would still give her an
22 opportunity for a hearing, so.

23 MR. GURVICH: Yes, of course. Right. We're not
24 going to be able to deprive anybody of that. So we have
25 a motion on the floor, amendments. Accept the amendment?

1 MS. VINSON: Yes. I accept the amendment.

2 MR. GURVICH: The motion is amended on the floor
3 by Ms. Vinson and then by Mr. Gurvich, seconded by, I
4 believe, Mr. Romero. Any debate or discussion? All in
5 favor of the motion say aye.

6 ALL BOARD MEMBERS: Aye.

7 MR. GURVICH: The motion passes unanimously.
8 Okay, ma'am. You've got a temporary license to get you
9 through this period. I expect that you would keep the
10 board completely apprised and notified of everything
11 going on, on your end. They will on their end.
12 Hopefully, we'll get to the bottom of this, but in the
13 meantime, you can work.

14 MS. KING: Work unarmed, you said?

15 MS. VINSON: I think it was, yes, unarmed.

16 MR. BLACKBURN: The reason it's got to be
17 unarmed is, if there is a conviction hearing, you're a
18 felon.

19 MS. KING: I got you. I understand.

20 MR. GURVICH: Yes. Next matter, moving along.

21 MS. VINSON: For the other matters, do we need
22 to go into executive session for those?

23 MR. BLACKBURN: Yes.

24 MR. GURVICH: Okay, Counsel. Are you okay with
25 the idea that we are going into executive session? We

1 have, what, three names remaining?

2 MR. BLACKBURN: Four.

3 MR. GURVICH: Okay. I have Nakisha Evans,
4 Michael Cassard, Catherine Brooks.

5 MS. VINSON: Yes, because we deferred Stemberge
6 to the next meeting.

7 MR. BLACKBURN: Oh, okay.

8 COURT REPORTER: Okay. I'm a little bit
9 confused. Were you supposed to vote in executive
10 session?

11 (Off the record discussion.)

12 MR. GURVICH: Okay, Counsel. So you want to go
13 into executive session for the purposes of doing what?

14 MR. BLACKBURN: Catherine Brooks, Michael
15 Cassard, and Nakisha Evans.

16 MR. GURVICH: All right.

17 MR. BLACKBURN: The reason for the executive
18 session is because we are going to discuss the criminal
19 histories which are not of public record.

20 NAKISHA EVANS

21 MS. RYLAND: Nakisha Evans didn't get serviced
22 as well, so can we just continue her to the next meeting?

23 MR. GURVICH: Well, I don't think there's a
24 whole lot we can do if she didn't get noticed. All
25 right. So we'll -- Nakisha Evans is continued for lack

1 of service till the next meeting. So now we are down to
2 two, Catherine Brooks and Michael Cassard.

3 MS. RYLAND: Who do you want, Brooks or Cassard?

4 MS. AUCOIN: Catherine Brooks.

5 CATHERINE BROOKS

6 MR. GURVICH: I make a motion to go into
7 executive session for the purposes of discussing the
8 issuance or not of a security officer license and the
9 related matter regarding the criminal background history.
10 Did I get that right?

11 MS. VINSON: Yes.

12 MR. GURVICH: Do I have a second?

13 MR. ROJAS: Second.

14 MS. VINSON: Second.

15 MR. GURVICH: All in favor of going into
16 executive session say aye.

17 ALL BOARD MEMBERS: Aye.

18 MR. GURVICH: It requires a two-thirds vote. We
19 have a two-thirds vote.

20 (Executive session.)

21 MR. GURVICH: Do I hear a motion for the floor?

22 MR. ROMERO: I'd like to make a motion to uphold
23 the board staff's decision to deny the application of
24 Ms. Brooks and allow board staff to issue the application
25 if Ms. Brooks is able to provide verification and

1 | documentation of satisfying the conditions for the 894.

2 | MR. GURVICH: I'll second it. So we have a
3 | motion on the floor. Debate? Discussion? All in favor
4 | say aye.

5 | ALL BOARD MEMBERS: Aye.

6 | MR. GURVICH: The motion passes unanimously.

7 | Ms. Brooks, thanks for being here today. Go get
8 | that piece of paper from that same court where you were,
9 | and then you can work. Okay? Thanks for being here.

10 | Next matter. We've got to move.

11 | MR. BLACKBURN: Last one.

12 | MS. VINSON: We need to go back into executive
13 | session?

14 | MR. GURVICH: Where are we?

15 | MS. RYLAND: We've got one more, Cassard.

16 | MICHAEL CASSARD

17 | MR. GURVICH: Michael Cassard. Nakisha Evans is
18 | out of (inaudible).

19 | MS. RYLAND: We're going to continue her for no
20 | service.

21 | MR. BLACKBURN: This one is going to be, I
22 | believe, an ATF one. Yes.

23 | (Executive session.)

24 | MR. GURVICH: All right. I just remake the I
25 | motion just made, that we uphold the board staff's action

1 and was seconded, I believe, by Mr. Williams and
2 Mr. Romero. All in favor of the motion on the floor say
3 aye.

4 ALL BOARD MEMBERS: Aye.

5 MR. GURVICH: The motion passed unanimously.

6 Sir, get the expungement. The only other thing I
7 can tell you to do is, if you know your legislator, you
8 can go get him to maybe approach the Governor about
9 getting a gubernatorial pardon.

10 But in the meantime, you are perfectly free and
11 clear to work unarmed as a security officer. You can't
12 work armed without a gubernatorial. The Governor has got
13 to give you a pardon. I'm sorry we couldn't help you. I
14 understand your plight. But we just don't have the
15 authority to do what you want us to do. But thanks for
16 being here today. Next matter.

17 MR. BLACKBURN: That's the last one. But while
18 we are discussing this topic which is very confusing and
19 very detailed and (inaudible), you know what I have seen
20 work in a case like his? They go back to the judge and
21 be re-sentenced or re-plea to a misdemeanor. This late,
22 you plea to a misdemeanor and get an 893, -4, and start
23 over.

24 MR. GURVICH: What would your response to that
25 action be?

1 MS. AUCOIN: They do it all the time in
2 expungements.

3 MR. BLACKBURN: It's not a crime of violence.

4 MS. AUCOIN: (Inaudible).

5 MR. GURVICH: But does it get you a concealed
6 weapon, or does it get you an armed security officer
7 license?

8 MS. AUCOIN: If it gets pled down to a
9 misdemeanor, then the ATF's controlling rule doesn't
10 apply, because it's no longer a felony. So it doesn't
11 matter whether or not he can get a concealed carry
12 permit.

13 MR. ROMERO: Even after the fact, they can do
14 that?

15 MS. AUCOIN: They are probably not technically
16 allowed to do it, but they do it. And I know, from my
17 standpoint in expungements, the court has told state
18 police to basically sit down and be quiet when anyone has
19 complaints since we don't have (inaudible) --

20 MR. GURVICH: They have to, because they are
21 violating a whole line of laws doing what they are doing
22 now.

23 MS. AUCOIN: But the courts told us they can't
24 challenge that, so would they do it if they did something
25 like that, it would be okay to set a misdemeanor

1 conviction now and it's no longer a felony. It gets
2 accepted.

3 MR. KENNEDY: He can seek recourse by simply
4 having the felony charge reduced and plead guilty.

5 MR. GURVICH: Yes. Ten, fifteen years later.

6 MR. KENNEDY: After the fact. And the felony
7 goes away.

8 MR. GURVICH: Find yourself an attorney and see
9 if there is some way, go back all these years, and have
10 the court re-characterize their crime from a felony to a
11 misdemeanor and to call this nice lady if he has any
12 questions about what the hell we're doing.

13 MS. RYLAND: But don't get a misdemeanor that's
14 on the crimes of violence list.

15 MR. GURVICH: Right.

16 MR. BLACKBURN: The only one is ag assault.

17 MR. GURVICH: And get yourself an attorney, and
18 maybe you can go back and plea back down to a
19 misdemeanor, not a felony. You can try that and see what
20 happens. Okay? Thanks again. Sorry we couldn't help
21 you.

22 Okay. We've still got an agenda here. Legal?
23 What's the board's pleasure? Do you want to go into the
24 executive session thing now, or do we want to do the rest
25 of this?

1 MR. ROGILLIO: We have finished all those here.

2 MS. VINSON: Do we need to bring the public back
3 in?

4 LEGAL UPDATE/LEGISLATION:

5 MR. GURVICH: Yes. Do we do the legal report?

6 MR. BLACKBURN: We can do it now. Let's open it
7 back up. The legal report is, there is barely a report.

8 MR. GURVICH: Good.

9 MR. BLACKBURN: There was a call for
10 legislation. We have one bill that has to do with the
11 fee that you previously passed and told us to go forward
12 with. We're going to try and do that. If you have
13 anything else, now or never.

14 MR. GURVICH:

15 Comments/questions/suggestions/directions to be forwarded
16 to the attorney? There being none, we'll move on to the
17 next matter.

18 MR. BLACKBURN: That's it. We have some rules
19 we're about to promulgate too.

20 MS. AUCOIN: That y'all previously approved.

21 MR. BLACKBURN: You previously approved it.

22 MR. GURVICH: Does anybody want to undo anything
23 we previously approved?

24 MS. RYLAND: No.

25 OLD BUSINESS, OFFICE STATUS REPORTS

1 MR. GURVICH: Okay. So no. Here we are.
2 Status Reports, Office Status Reports. We have all that?
3 Any changes of any consequence here?

4 MR. ROGILLIO: No, sir.

5 MR. GURVICH: How many security officers do we
6 have licensed right now?

7 MR. ROGILLIO: 10,200.

8 MR. GURVICH: 10,200, so it's gone up a bit.

9 MS. RYLAND: We notice there is 93 unarmed only
10 people now.

11 MR. GURVICH: Okay. Financials, anything that
12 anyone has any questions there? Chief, anything unusual
13 going on with the finances?

14 MR. ROGILLIO: No, sir. We're in pretty good
15 shape.

16 NEW BUSINESS, MISCELLANEOUS, COMPUTER PROGRESS REPORT

17 MR. GURVICH: All right. Miscellaneous New
18 Business, Company Computer Progress, where are we on
19 that?

20 MR. ROGILLIO: Okay. I was asked to give a
21 report on the purchase of a computer for my office, which
22 I don't have one now. And that's in the process. It's.

23 MS. RYLAND: It's in Baton Rouge at our tech
24 people, and it's to be put in Monday or Tuesday. They
25 are setting it all up.

1 MR. GURVICH: Everything is under control in
2 that regards?

3 MS. RYLAND: Yes.

4 MR. GURVICH: It's really on final approach to
5 getting that.

6 MS. RYLAND: Yes.

7 MR. GURVICH: Any questions for the board staff?

8 NEW BUSINESS, MISCELLANEOUS, AUDIT REPORTS

9 MR. ROGILLIO: Well, there's more. I was also
10 asked to report to the board regarding the audit reports,
11 how many audits we have done, how many are pending, etc.
12 And you have that in your packet. It's listed Company
13 Audit Report For 4th Quarter 2015.

14 MR. GURVICH: All right. Okay.

15 MR. ROGILLIO: I can elaborate if you wish, but,
16 I mean.

17 MR. GURVICH: That's in this stapled with this
18 other material?

19 MR. ROGILLIO: Yes.

20 MR. GURVICH: Company Audit Report For 4th
21 Quarter 2015?

22 MR. ROGILLIO: Right.

23 MR. GURVICH: Okay. This was made at the
24 suggestion of Mr. Romero?

25 MR. ROGILLIO: Yes, sir.

1 MR. GURVICH: Okay.

2 MR. ROMERO: One of the questions I had is, how
3 many were done mail-in, how many were done in person,
4 and --

5 MS. RYLAND: All have been done mail-in since
6 June. We actually hired a new lady that that's all she
7 does is company audits and instructor audits.

8 MR. GURVICH: We have someone new?

9 MS. RYLAND: And she does the post check fines.

10 MR. GURVICH: And she does the audits, the paper
11 audits?

12 MS. RYLAND: Yes.

13 MR. GURVICH: She doesn't go to the site; she
14 does the paperwork?

15 MS. RYLAND: No, sir. It's mail-in, and she.

16 MR. GURVICH: And she is new with it?

17 MS. RYLAND: Yes. She does an excellent job.

18 MR. GURVICH: What's her name, by the way?

19 MS. RYLAND: Her name is Stephanie Richardson.

20 MR. GURVICH: Okay. Any questions?

21 MR. ROMERO: Is there any plan to do in-person
22 audits again, or have we made a decision to do the
23 strictly mail-in audits?

24 MR. ROGILLIO: We will do an in-person audit if
25 the company that requests it. We subpoena the

1 information from them. If they can't do it -- I had one
2 instructor -- I won't mention his name -- call me and say
3 he is going to have to send all of his paperwork to us in
4 boxes, and we'll have to go through it at that point. So
5 if it's necessary, we will go to the site; if not
6 necessary, we will do it by mail.

7 MR. ROMERO: I understood previously when this
8 was discussed that you were an advocate of in-person
9 audits rather than mail-in audits.

10 MR. ROGILLIO: Well, I am, but this expedites a
11 lot faster if we get it done through the mail. They
12 simply send us a -- what you do you call it -- jump drive
13 and we input that information and she can readily look at
14 it at that point and then, of course, go back to our
15 files and determine whether or not that's accurate
16 information.

17 If we go to the site, we list everything that we
18 find, and then we come back here and verify it. So it's
19 time-consuming to go to the site. If we can get it done
20 by mail, it's a lot better.

21 MR. ROMERO: It looks like, to me, you are doing
22 a lot more than you were doing before.

23 MR. ROGILLIO: And that's another thing. We are
24 able to do more, because at that point, I have to -- Doug
25 and I both have to go. And if it's a large company,

1 | sometimes we have to take one or two other staff members
2 | along with us. And you've got the travel time to get
3 | there. And if it's, like, in Shreveport, you've got to
4 | spend the night.

5 | MS. VINSON: So being that we accept the
6 | mail-ins, is all of the paper still required to be
7 | maintained then?

8 | MR. ROGILLIO: For three years.

9 | MS. RYLAND: No. Your documents are -- well,
10 | the policy now is where you can have a paperless agency,
11 | but if we say we need to print that piece of paper, then
12 | that has to be accessible for us to print. And that's
13 | what we're telling these people when they send in the
14 | jump drives and CDs, the discs, and all that: If you
15 | send it and we want to print it, then it has to make sure
16 | we can print it.

17 | MS. VINSON: Okay.

18 | NEW BUSINESS, MISCELLANEOUS, TRANSFER OF FUNDS DISCUSSION

19 | MR. GURVICH: We have \$335,000 in cash?

20 | MR. ROGILLIO: That's our bank account.

21 | MS. RYLAND: Yes.

22 | MS. VINSON: Wait. I had a question about the
23 | audit stuff.

24 | MR. GURVICH: Oh, I'm sorry. Go ahead. I
25 | thought you were finished.

1 MR. BLACKBURN: If you have \$335,000 in cash,
2 I'm telling you from my budget meeting, you should better
3 put it away, because he is coming after every account for
4 that 125 million that he needs before January 7th.

5 MS. RYLAND: Yes, but some of this stuff is
6 already designated as our retirement stuff.

7 MR. BLACKBURN: You'd better put it in a
8 retirement account.

9 MS. RYLAND: We do have it in a retirement
10 thing. So we should drop our capital?

11 MR. BLACKBURN: I just told you what I heard.

12 NEW BUSINESS, MISCELLANEOUS, INSURANCE COVERAGE FOR
13 CONTRACT WORKERS DISCUSSION

14 MS. VINSON: There is a note here that says, The
15 board is waiting on determination from the board attorney
16 about 1099. What does that mean?

17 MR. ROGILLIO: We have one company that -- in
18 New Orleans that all his employees were 1099. We were
19 asking legal counsel for a determination as to whether or
20 not they are then employees, and they are researching
21 that. Mr. Blackburn can address that. But he is now
22 beginning to register a lot of his people since this
23 audit took place.

24 So, you know, and many times the insurance policies
25 require that a contract employee provide proof of

1 insurance to the company. I don't think a lot of
2 companies do that. I think they just ignore it. But it
3 means at that point that that individual is not insured
4 as a contract employee.

5 MR. ROMERO: The policy needs to cover
6 subcontractors.

7 MR. ROGILLIO: Yes.

8 MR. ROMERO: And that's, I would say, with that
9 company, that's one thing that we would definitely need
10 to look and see if the subcontractors were covered. And,
11 if not, they are in violation.

12 MR. ROGILLIO: Yes. There's not a lot of
13 companies that do, that we find that do the 1099s. But
14 this one was almost 100 percent 1099s. So we are asking
15 again for their help in this.

16 MR. ROMERO: Have we requested a copy of the
17 declarations page or a copy of the policy?

18 MR. ROGILLIO: We have the policy.

19 MR. ROMERO: Does it cover subcontractors?

20 MR. ROGILLIO: I haven't reviewed that policy
21 just yet. I was waiting to get a determination as to
22 whether or not they were actually employees.

23 MR. ROMERO: Well, really, quite honestly, it
24 doesn't matter. I mean, according to the IRS rules,
25 basically what you're describing, they are not going to

1 | be subcontractors. They are going to be employees. But,
2 | regardless, if they are classifying them as
3 | subcontractors and the policy doesn't cover
4 | subcontractors, you have no coverage, I would think.

5 | MR. ROGILLIO: Right.

6 | MR. BLACKBURN: And if they are subcontractors
7 | that are not employees, they have to register and get
8 | their own license.

9 | MS. RYLAND: So you are saying they are
10 | employees and they should be treated in the audit as an
11 | employee?

12 | MR. ROMERO: According to the test that's
13 | generally used to determine employee or subcontractor,
14 | based on my experience in our space, generally, they
15 | would be employees, not subcontractors.

16 | MR. GURVICH: It would be hard to see how they
17 | would pass their test as being a subcontractor. I mean,
18 | they are going to be told to go here and do this, and
19 | that kind of makes them an employee, regardless of what
20 | the.

21 | MR. ROMERO: It's kind of like the semantic
22 | argument earlier: You can call it whatever you want, but
23 | it doesn't mean it's so.

24 | NEW BUSINESS, MISCELLANEOUS, DISCUSSION OF TRANSFERRING
25 | FUNDS (CONT'D)

1 MR. GURVICH: Can we put something -- we have
2 turned \$35,000 I assume, in a non-interest bearing
3 savings -- no, checking account, right? Is there
4 anything we can do with it?

5 MS. RYLAND: We actually need to move some of
6 that money to our retirement account pursuant to our last
7 budget, which we have not done yet -- I mean our last
8 audit. I'm sorry.

9 MR. GURVICH: Well, I would do it. I agree with
10 counsel.

11 MS. RYLAND: But we still have to have money in
12 there to operate on.

13 MR. GURVICH: Well, you can operate on less than
14 \$335,000 in cash.

15 MR. BLACKBURN: You can move some back if you
16 need it.

17 MS. VINSON: Are we going back to Budget? I
18 thought we were finished.

19 MS. RYLAND: Will y'all move 150,000 to the
20 retirement account, and we'll leave the rest of it in
21 there?

22 MR. GURVICH: Well, it's just a good governance
23 sort of thing, whatever you all feel you are closer to.

24 MR. BLACKBURN: Is 300,000 in a non-interest
25 bearing account now, non-interest bearing?

1 MS. RYLAND: No. They are all interest-bearing
2 accounts.

3 MR. GURVICH: Well (inaudible).

4 MR. BLACKBURN: Well, can't help that.

5 MS. RYLAND: Yes. They are all in interest --
6 and this is our, actually, our funding, our office
7 budget, our operating capital that we work off of.

8 MR. BLACKBURN: How much do you need for a month
9 or two or three?

10 MS. RYLAND: Probably 80, 80,000.

11 MR. BLACKBURN: Why wouldn't you move 200 or
12 250? Just curious.

13 MS. RYLAND: Because I'm poor and I get real
14 nervous when my checking account gets low and I don't
15 want this one to get low either so I don't have to worry
16 about it.

17 MR. BLACKBURN: You can always move it back.

18 MS. RYLAND: I thought, if it was designated for
19 the retirement account, that we couldn't move it back.

20 MR. BLACKBURN: Maybe not, but the retirement
21 account is not the only account. I'm just worried about
22 them taking it, because we are putting all of ours away.

23 MR. GURVICH: That's very, very real issue. We
24 always worry about that. Now it's very real.

25 MS. RYLAND: Now the times to -- wait. Let me

1 | see if I can get Sharon to come in here, and we will talk
2 | about the money, because she --

3 | MR. BLACKBURN: You don't need to. I'm sure if
4 | somebody makes a motion --

5 | MR. GURVICH: I'm sure you're a good girl who
6 | makes the best judgment as a rule, but it strikes me that
7 | you have more money in there that you don't really need,
8 | and I would definitely get it out of a checking account,
9 | because they are going to come looking for it.

10 | MS. RYLAND: So what if we leave just 150,000 in
11 | the checking account?

12 | MR. GURVICH: Is that enough for you guys to
13 | operate?

14 | MS. RYLAND: Yes.

15 | MR. ROGILLIO: It should be.

16 | MS. RYLAND: That will give us a cushion if
17 | something major were to happen.

18 | MR. GURVICH: Whatever you think. We are not
19 | trying to micromanage things, but I think 335 does leave
20 | (inaudible).

21 | MS. VINSON: So why don't we make a motion to
22 | move up to 250K out of the cash account?

23 | MS. RYLAND: Up to?

24 | MS. VINSON: Up to 250,000.

25 | MR. BLACKBURN: There's 335, so up to 2-

1 MS. VINSON: Up to 2-

2 MR. GURVICH: Authorizing the moving of up to
3 200K out of the cash account.

4 MR. ROJAS: I would also make a motion to where
5 the money is going.

6 MR. KENNEDY: Yes. Where are we going to move
7 it to?

8 MR. ROJAS: Is the money market the (inaudible)
9 or what?

10 MS. RYLAND: Should we just put it in that
11 retirement account?

12 MR. BLACKBURN: How much is owed in the
13 retirement account?

14 MS. RYLAND: I'm not sure. They never did give
15 us a number.

16 MS. VINSON: But it's always going up.

17 MS. RYLAND: Yes. It's always going up, and we
18 have put as much as 125,000 in there.

19 MS. VINSON: Okay. So, yes. Motion to move
20 200K from the cash account to the retirement account.

21 MR. GURVICH: All right. We have a second to
22 the motion?

23 MR. KENNEDY: I'll second.

24 MR. WILLIAMS: Second.

25 MR. GURVICH: Jointly seconded by Mr. Kennedy

1 and --

2 MR. BLACKBURN: It's not likely they will try to
3 take it out of a retirement account.

4 MR. GURVICH: All in favor of the motion as
5 stated say aye.

6 ALL BOARD MEMBERS: Aye.

7 MR. GURVICH: The motion passed unanimously.
8 Okay. My question is for Ms. Vinson: We are quite
9 through with the audit questions, and I don't want to
10 step on any toes before we proceed any further.

11 MS. VINSON: I'm good.

12 MR. GURVICH: She's good. Okay. Back and forth
13 from the audit to the budget. Okay.

14 So, committee meeting, I think we did not have a
15 committee meeting as our esteemed subcommittee or
16 committee chairman decided it wasn't necessary under the
17 circumstances. So is there anything else that we need to
18 address before we go back into executive session?

19 MS. RYLAND: Yes.

20 MR. ROGILLIO: Could I mention, in your folder,
21 is -- or your packet, rather, is also a report that's
22 requested regarding Mr. Cain's activities.

23 NEW BUSINESS, REPORT ON MR. CAIN'S ACTIVITIES

24 MR. GURVICH: Okay.

25 MR. ROMERO: I noticed in the report, looking

1 at, apparently, we are provided information regarding the
2 number of checks, the violations, number of
3 investigations, broken down by month, September, October,
4 November. I see, in September, we had 392; October, we
5 had 212; November, we had 144. Why is it continuing to
6 drop, and why is it dropping to such a large degree?

7 MR. ROGILLIO: Do you want to respond to that?

8 MR. CAIN: The month of September, I see, to the
9 right, I worked the LSU game. I wrote 113 reports, 19
10 violations. October, I worked the Louisiana University
11 of Lafayette. I wrote 37 reports. That was the case we
12 looked at here. During the month of November, I took
13 some vacation time.

14 And, you know, it depends with the investigations,
15 how long the investigations occur. Some of the
16 investigations, I provide the report to Mr. Rogillio. I
17 have to go back and do additional research on it.
18 There's a lot of variables that you don't see on the
19 short report like this.

20 MR. ROMERO: And the next report, I would
21 assume, is an example of what records are being kept now
22 regarding the post checks --

23 MR. CAIN: Yes, sir.

24 MR. ROMERO: -- the location, the address, and
25 the name of the company that was checked.

1 I spoke with Doug and Wayne about this, because,
2 apparently, when Dickie was no longer with us, there was
3 not a mechanism to know what he had been doing
4 previously. So I thought it was prudent for us to not
5 have to start over each time we have a new investigator
6 come in or we hire a contract investigator in a given
7 area. So this is the report, I would assume, put
8 together as a result of that request?

9 MR. CAIN: Yes. When I took over this job,
10 there was absolutely no information whatsoever on where
11 the guard was located and any documentation of that. I
12 manually started doing this. As indicated here, this is
13 basically -- I've got three of these notebooks filled
14 out, and it's actually the places I go to and the guards
15 that I check, the companies, and the information that's
16 provided.

17 After talking to you, I agree that it would be more
18 prudent if we put it on the computer. Instead of me
19 having to write all of this out, one of the reasons I
20 have this problem, we can type it into the computer,
21 which you provide the information that I can have with
22 this. It would be better suited.

23 MR. ROMERO: Very good. Thank you.

24 MR. GURVICH: Any more questions? Just looking
25 at that letter, you have this November 26th --

1 MS. RYLAND: We need to amend the agenda.

2 MR. ROGILLIO: Could we ask you to vote to amend
3 the agenda. We have two items we need to bring up before
4 that one, please.

5 MR. GURVICH: All right. Motion to waive the
6 agenda, which requires two-thirds, by Mr. Gurvich.

7 MS. VINSON: Second.

8 MR. GURVICH: Motion by Mr. Gurvich, second by
9 Mr. Romero and Ms. Vinson. Any debate or discussion?
10 All in favor of the motion as stated say aye.

11 ALL BOARD MEMBERS: Aye.

12 MR. GURVICH: Any opposed? The motion passes
13 unanimously. Proceed, Chief.

14 NEW BUSINESS, DISCUSSION OF MINUTEMEN IN FRENCH QUARTER

15 MR. ROGILLIO: Well, the first item would be in
16 that letter about the Minutemen in the French Quarter in
17 New Orleans. I was trying to determine whether or not
18 they needed to be licensed. Obviously, from what the
19 letter says, they are not going to receive any
20 compensation for it, so we kind of left a question in our
21 minds as to whether or not these folks need to be
22 licensed to do what they are doing.

23 And it's going to be asked to -- somebody is going
24 to have to ask them to walk them through the French
25 Quarter, apparently. And I explained to the gentleman

1 | that we would have to come back with something from a
2 | legal nature either from our attorneys or from the board.

3 | MR. GURVICH: Counsel, what's your position on
4 | this?

5 | MR. BLACKBURN: Well, my position, number one,
6 | is not to give them an opinion, because they will use
7 | that opinion in their defense of the lawsuits for the
8 | next hundred years. So we have to make a determination.

9 | They are not going to be -- you know, you look at
10 | the definition of what a contract security company is:
11 | enters into a contract, receives money, provides
12 | security.

13 | MR. GURVICH: If money changes hands, then, yes.

14 | MR. BLACKBURN: So this is not going to be
15 | entering into any contracts. They're going to be a
16 | fly-by-night thing. They are not going to be getting
17 | paid. They are going to become -- there was a thing
18 | about it in the New Orleans paper. I don't know if y'all
19 | saw it from down there, but a little blurb about it, that
20 | they were going to just walk the girls, the bartenders,
21 | and the dancers back to their cars and garages and give
22 | them their safety, as they had the one killing of the
23 | bouncer and the musician got beat up one time.

24 | So, you know, do they -- are they a contract
25 | security company? I don't think so. They are going to

1 | be carrying guns too, some of them.

2 | MR. GURVICH: The lack of payment for services
3 | or money being transferred kind of tells me, on first
4 | impression, they're not. Now, one thing you certainly
5 | could do, if they want an opinion, a legal opinion, then
6 | that's why we have AG opinions.

7 | MR. BLACKBURN: Yes. They can ask for it.

8 | MR. GURVICH: So I would say, again, not to
9 | micromanage, if the board, if it's the sense of the board
10 | that we should officially respond to this, then we will
11 | proceed accordingly. And, if not, maybe we just
12 | authorize the board counsel to say words to the effect,
13 | we don't think you are a security, but we will --
14 | eventually, we will be checking to make sure that you
15 | don't get it, does it cross the trip wire, but that, in
16 | the meantime, maybe you should approach the attorney
17 | general's office for an opinion."

18 | MR. ROGILLIO: Would it be advisable to contact
19 | Mr. Jordan and ask him to ask for an attorney general's
20 | opinion, or would you prefer us to do that?

21 | MR. GURVICH: Do you feel comfortable with we
22 | know what he is going to do when --

23 | MR. ROGILLIO: I talked to him on the phone. He
24 | sounded sincere, as his letter indicates. But you never
25 | know about someone, what they are going to do when it

1 gets started.

2 But I was trying to get some clarification in my
3 mind. One part of me says they need to be licensed.
4 Another part of me says no because of the money
5 situation, but.

6 MR. BLACKBURN: The thing about when you make a
7 determination, you need to be licensed, you're talking
8 about these volunteers that aren't getting paid. They've
9 got to do the four hours and then the other four hours.
10 It's just not going to happen.

11 MR. GURVICH: Right.

12 MR. BLACKBURN: Do you know what this reminds me
13 of, do you all remember in the day, and they still have
14 some of them, the Red Beret guys in New York? What were
15 those called?

16 MR. ROJAS: They came down here.

17 MR. KENNEDY: Guardian Angels.

18 MS. VINSON: There are some down here.

19 MR. BLACKBURN: There are? It's the same kind
20 of deal.

21 MS. VINSON: They are, like, on bikes down here.
22 They ride around, like, Uptown and City Park.

23 MR. BLACKBURN: So we are not going to make an
24 attempt to make them get licensed.

25 MR. GURVICH: No. We never did. Well, so

1 | what's your -- what do you think we should do? What is
2 | your suggestion to that for a response to this?

3 | MS. VINSON: I think we just refer them to the
4 | AG's office.

5 | MR. BLACKBURN: The AG is going to call us and
6 | see what y'all are going to do.

7 | MR. GURVICH: Well, they may actually review
8 | Title 37. I don't know.

9 | MR. BLACKBURN: That's a pretty good idea.
10 | Let's refer them to the AG's office. They'll never hear
11 | back from the AG, because we got a new one that's going
12 | to take a few years to catch up.

13 | MR. GURVICH: Well, one thing you do is -- I
14 | don't think you are going to -- I would say this.

15 | MS. RYLAND: Yes, but then we've got people
16 | (inaudible).

17 | MR. GURVICH: If you want an official opinion
18 | which is still a matter of the law, go to the AG's
19 | office. Based on your characterization of what it is
20 | you're going to be doing, it doesn't appear to us like
21 | you are operating as a security service, but if you do
22 | this, this, or this, you will be.

23 | MR. BLACKBURN: I don't want to do that,
24 | Mr. Chairman. I don't want to give them legal advice.
25 | They will use it against us later.

1 MR. GURVICH: Or you could just tell them the
2 truth and say, if you take money, you probably will be a
3 security company. As long as no money is involved -- you
4 can say that.

5 MR. BLACKBURN: Yes. Or payment. There will be
6 some donations.

7 MR. GURVICH: The concern I have is, I
8 understand your hesitance to get involved in this, but
9 the man is asking us for advice. And I don't know that
10 you can duck all that.

11 MR. ROMERO: I don't know that we have an
12 obligation to provide a charitable organization or
13 volunteers a legal opinion. I don't think we are
14 obligated to do that.

15 MR. GURVICH: No, but he is asking the
16 regulatory agency, Am I covered? And I'm casting him
17 loose, saying, we don't know if the -- we'll see. I
18 mean, he is asking in good faith for an opinion about it.

19 MR. BLACKBURN: What would the City of New
20 Orleans say about that?

21 MR. GURVICH: I don't know that they could get
22 anybody to open the envelope. But, you know, I wouldn't
23 let that be my guide. I just hate to do nothing when
24 someone is asking us. We are the board which
25 regulates --

1 MR. BLACKBURN: Okay. Let me -- give me
2 permission to work on a draft of a response.

3 MR. GURVICH: Call him up.

4 MR. BLACKBURN: I'll run it by you.

5 MR. GURVICH: Call him up and see.

6 MR. ROGILLIO: I think he is expecting something
7 in writing, I think, my conversation.

8 MR. ROMERO: Can we not just say that we do not
9 regulate volunteer organizations?

10 MR. BLACKBURN: We will come up with something
11 like that. The part that's worrisome is, half of them
12 are going to be carrying concealed weapons.

13 MR. ROMERO: Which they have a permit for.

14 MR. BLACKBURN: Yes.

15 MR. ROGILLIO: Supposedly.

16 MR. BLACKBURN: We have policemen that go down
17 there and hit people up beside the head with their guns
18 and they are carrying them legally.

19 MR. GURVICH: Well, okay. I think a response is
20 in order. You know, I hate to --

21 MR. BLACKBURN: Okay.

22 MR. GURVICH: No good deed goes unpunished.

23 MR. BLACKBURN: Okay. I will be retired by
24 then.

25 MR. ROGILLIO: One of the issues will be in the

1 address to this gentleman, Jordan, would be insurance,
2 whether or not they have insurance.

3 MR. BLACKBURN: They won't carry them. They are
4 a volunteer organization with no assets.

5 MS. VINSON: They are not a nonprofit. They are
6 just, hey.

7 MR. GURVICH: They might be a nonprofit, but
8 they may not be.

9 MS. VINSON: Otherwise, he would have said, hey,
10 we're a 501(c)(3) or something. And they didn't say
11 that. They are just --

12 MR. BLACKBURN: Just a group, a volunteer
13 organization.

14 MR. GURVICH: Well, respond as you feel
15 appropriate, but I do think --

16 MR. BLACKBURN: I'll run it by you. You know,
17 they already have down in the French Quarter the guys in
18 the Polaris things. Y'all have seen those. And they've
19 got the some kind of school the NOPD sent people to that
20 they are going to be on the streets soon. And they took
21 some of their retirees, and we've got our 58 state
22 troopers there. They will all be shooting each other.

23 MR. GURVICH: And won't even know it. Okay. I
24 guess the only remaining matter is, we need to set the
25 next board meeting.

1 MS. RYLAND: No, wait. We have an issue.

2 MR. GURVICH: We have the executive session
3 thing as well.

4 MS. RYLAND: We have something else before.
5 NEW BUSINESS, MISCELLANEOUS, REQUEST FOR PERMANENT CARD
6 MACHINE

7 MR. ROGILLIO: One of those items, as you are
8 aware, we produce the permanent cards from this office
9 now. The machine that we used to do that has produced
10 50,000 or more, more cards than it's assigned to do. So
11 we ask that you approve us to purchase a new machine at
12 \$3518 is the quote we got from the ID Group, which is
13 where we got the machine.

14 MR. GURVICH: Does this thing have any kind
15 of -- what's the terminology I'm looking for? --
16 biometrics? Does it have any chips? Does it have an
17 up-to-date sort of thing?

18 MS. RYLAND: This is supposed to be the top-of-
19 the-line up-to-date machine for us, for our needs.

20 MR. GURVICH: Does it have a chip in it,
21 biometric?

22 MS. RYLAND: That, I have no earthly idea. I
23 didn't ask that.

24 MR. ROGILLIO: I don't think so.

25 MS. VINSON: What does that mean, to be, like,

1 the most up-to-date, top-of-the-line?

2 MR. GURVICH: I honestly don't know.

3 (Mr. Kennedy and Ms. Ryland speak simultaneously.)

4 MS. RYLAND: That's what she told me. I mean, I
5 can go call her and find out more information, but.

6 COURT REPORTER: What did he say?

7 MS. VINSON: Like, what does it do?

8 MS. RYLAND: Well, first of all, it's supposed
9 to produce them faster, because they are very slow. It's
10 like 20 every -- like, every 5, 4 minutes, or something,
11 I think. It's supposed to produce them faster. We can
12 use all of our old ribbons and our old cards from the old
13 machine to the new machine. It's just -- I mean --

14 MR. ROJAS: Do they take a trade-in on the old
15 machine?

16 MS. RYLAND: No. It's so obsolete, they
17 wouldn't take the trade-in. We tried.

18 MR. KENNEDY: Did they tell you what the
19 durability of this new machine would be or what's the
20 life expectancy of it?

21 MS. RYLAND: The life expectancy are three to
22 five years. And they run it -- they did our old machine
23 on cards, on the number of cards, and I think they said
24 we were 50 -- around 50,000, but I think they said 52,000
25 cards above what the normal life of it should have been.

1 MR. ROJAS: How long have we had the old
2 machine?

3 MS. RYLAND: Oh, Lord, we have probably had it
4 since 2007, I think.

5 MR. GURVICH: Well, when you talk about chips or
6 biometrics, let's say that a guard has an allergy to
7 penicillin. Let's say that he's Type AB-negative blood.
8 Let's say --

9 MS. RYLAND: No. We're not going to have
10 anything like that.

11 MR. GURVICH: We're not going to have anything
12 like that.

13 MS. RYLAND: No, sir.

14 MS. VINSON: (Inaudible.)

15 MR. GURVICH: Well, it would be optional. We
16 don't provide it. But if we wanted to, it would be
17 there. Well, okay. What's the sense of the board? Do
18 we just want to go back to -- this is essentially an
19 upgrade of what we have been doing.

20 MS. RYLAND: Yes.

21 MR. KENNEDY: It's not that much money.

22 MR. GURVICH: Do we need to have holograms? Are
23 the feds going to get annoyed with us that we don't have
24 enough to save on a document?

25 MS. RYLAND: Well, this is the same machine that

1 | the investigator board used and DHH uses it and I forgot
2 | what the other one was, she said. It was a big
3 | organization. This is the same kind of machine they use.
4 | So will the feds get annoyed with us, I don't know. I
5 | just know that we're --

6 | MR. GURVICH: They were annoyed with the
7 | Louisiana driver's license.

8 | MR. BLACKBURN: Still are.

9 | MR. ROMERO: There are a lot of states that
10 | don't even do as much as Louisiana does now. So I think
11 | we are actually ahead of the curve by many standards,
12 | maybe not by all.

13 | MR. GURVICH: Well, I'll take it the sense of
14 | the board is that it's to approve the purchase of the
15 | machine. I'll so move. Do I have a second?

16 | MR. ROMERO: Second.

17 | MS. VINSON: Second.

18 | MR. WILLIAMS: Second.

19 | MR. GURVICH: Motion by Mr. Gurvich jointly
20 | seconded by Mr. Williams, Mr. Romero, and Ms. Vinson.
21 | Debate? Discussion? All in favor of the motion as
22 | stated say aye.

23 | ALL BOARD MEMBERS: Aye.

24 | MR. GURVICH: The motion passed unanimously.
25 | Congratulations.

1 MR. ROGILLIO: Thank you.

2 MR. GURVICH: So we are back to the matter that
3 we previously discussed with Weiser and their
4 investigator.

5 MR. BLACKBURN: May I get one more housekeeping
6 out of the way -- I'm sorry -- before I forget because
7 i'm senile? We got information from the new governor's
8 transition team that any persons who are interested in
9 working in his administration, meaning my job, all
10 secretary jobs, boards, and commissions, need to submit
11 their resumé and answer, like, five questions on his site
12 and you should remember this site: OnwardLouisiana.com.
13 And go on there and put in what you want.

14 There's another site in the civil service if you are
15 a civil service employee and want one of those non-civil
16 service jobs, but that doesn't fit y'all. And they are
17 supposed to go to that site. So if you are interested in
18 staying on the board, the right thing to do is file that.

19 MS. RYLAND: It's "dot com"?

20 MR. BLACKBURN: Yes. OnwardLouisiana,
21 o-n-w-a-r-d, Louisiana, dot, com.

22 Spell "dot com"?

23 MS. AUCOIN: No. "Louisiana" spelled out.

24 MR. BLACKBURN: Yes. "Louisiana" spelled out.

25 MR. GURVICH: L-o-u-i-s-i-a-n-a, not LA?

1 MS. AUCOIN: Yes. It looks like you go to join
2 the administration.

3 MR. GURVICH: Anything further before we go
4 back?

5 MR. ROGILLIO: Yes, sir. back to that, if you
6 can bear with me and let Mr. Cain respond to some of the
7 allegations that were mentioned earlier.

8 MR. GURVICH: Oh, no doubt. We're going to go
9 into executive session on that.

10 DETERMINATION OF DATE OF NEXT BOARD HEARING

11 MS. RYLAND: We need to do -- do you want to do
12 the board hearings for the next time?

13 MR. GURVICH: We're going to do that while we
14 are here, while we're doing this session?

15 MS. RYLAND: When is Mardi Gras?

16 MR. BLACKBURN: February 7th, I think he said.

17 MS. VINSON: The 9th.

18 MR. GURVICH: So February 9th is the suggestion?

19 MS. RYLAND: As long as it's not here.

20 MS. VINSON: No. In answer to her question.

21 MR. BLACKBURN: The session is March 14th, so
22 somewhere between February 9th and March 14th.

23 MS. RYLAND: Let's do the first week of March.

24 MR. BLACKBURN: Last week of February.

25 MR. KENNEDY: 25th?

1 MS. VINSON: No. Can we do the 18th of
2 February?

3 MR. ROMERO: I'll be out.

4 MS. VINSON: Then can we do the first week of
5 March?

6 MR. GURVICH: Okay. Here. Give me the first --
7 what is it, a Wednesday that we need on?

8 MR. KENNEDY: March 3.

9 MR. GURVICH: March 3, what, 9:30 a.m. in the
10 board office here. Is that acceptable to everyone?

11 MR. KENNEDY: Yes, sir.

12 MR. GURVICH: Okay. I'll make a motion to that
13 effect.

14 MS. RYLAND: What time, Louis?

15 MR. GURVICH: 9:30. Do I hear a second?

16 MS. VINSON: Second.

17 MR. ROMERO: Second.

18 MR. GURVICH: Any debate/discussion? All in
19 favor of the motion for making the next meeting March 3rd
20 at 9:30 a.m. here in the board office say aye.

21 ALL BOARD MEMBERS: Aye.

22 MR. GURVICH: Any opposed? The motion passed
23 unanimously. Next matter.

24 DOUGLAS CAIN

25 MR. GURVICH: We are back to a motion to go back

1 into executive session to further investigate, enumerate
2 the happenings as regards Doug Cain's visit to the
3 hospital site in Lafayette on October 30th (sic) and
4 related matters. Do I hear a second?

5 MS. VINSON: Second.

6 MR. ROJAS: Second.

7 MR. GURVICH: Motion by Mr. Gurvich jointly
8 seconded by Mr. Rojas and Ms. Vinson. The motion
9 requires a two-thirds vote. All in favor of the motion
10 say aye.

11 ALL BOARD MEMBERS: Aye.

12 MR. GURVICH: The motion passed unanimously.
13 (Executive Session.)

14 MR. GURVICH: I would like to present to the
15 board the official resignation of Doug Cain from his
16 position with the board, which I think makes the matters
17 before us otherwise moot, so --

18 MR. BLACKBURN: Would you read it into the
19 record, please.

20 MR. GURVICH: I shall. Me reading the document,
21 "I resign from my position on Louisiana State Board of
22 Private Security Examiners effective 12/9/15."

23 I believe I read that as "Douglas Cain." Is that
24 his signature?

25 MR. ROGILLIO: Malcolm Douglas Cain.

1 MR. GURVICH: "Malcolm Douglas Cain." Sorry.
2 So that basically removes us from any further discussion.
3 So we're out of executive session. We have nothing else
4 before the board that I'm aware of. But I'm certainly --

5 MR. ROJAS: Do we vote on all those other things
6 when we (inaudible)?

7 MS. VINSON: No. We came out of executive
8 session.

9 MR. GURVICH: What's that?

10 MR. ROJAS: (Inaudible.)

11 MR. GURVICH: We did. We came out. And there's
12 really --

13 MR. KENNEDY: Do we want to revisit this form at
14 some point?

15 MS. VINSON: Well, I do. I have a --

16 MR. GURVICH: Yes. I think that we need to --
17 go ahead.

18 MS. VINSON: I think that there's still, in
19 light of this coming up and then some of the things that
20 Doug mentioned, like, he didn't know what to do, wasn't
21 sure of his direction, or there wasn't much information
22 that was left for him on where he needed to go.

23 I think we need to, either some of us form a
24 committee. I don't know if we can have consultants work
25 on this. But have someone come in and look at a policy

1 and procedure or a job description for the positions
2 here.

3 MS. RYLAND: There is a job description for
4 that.

5 MS. VINSON: Is there one for each position in
6 this office?

7 MS. RYLAND: The job description is through
8 Civil Service, yes.

9 MS. VINSON: Okay.

10 MR. BLACKBURN: Is there one for Doug's?

11 MS. RYLAND: As administrative assistant.

12 MS. VINSON: Okay. I mean, so it comes from
13 Civil Service? Is there --

14 MS. RYLAND: We have to submit them to Civil
15 Service pursuant to our classifications in order for them
16 to give us that position.

17 MS. VINSON: Okay.

18 MR. KENNEDY: And they (inaudible).

19 MS. RYLAND: Right.

20 MS. VINSON: But -- yes. I think -- okay.

21 Well, then I will withdraw that recommendation.

22 MR. GURVICH: I'm open to suggestions. I think
23 there's further work to be done. We have -- certainly,
24 I'm open to the idea of anyone who wants to convene at a
25 regular or special meeting. We have a regular meeting

1 coming up, open for a special meeting, and I guess we
2 could consider -- I mean, how do you want to proceed, I
3 mean, on these remedial issues? Shall I just canvass
4 everybody? Shall we try and get a sense of going through
5 the holidays and so forth of when to do this? I guess we
6 can arrange to do this by telephonically or by e-mail, I
7 guess, we could get feedback.

8 MS. VINSON: Can we, I mean?

9 MR. WILLIAMS: E-mail.

10 MS. VINSON: Is there -- I mean, I think -- is
11 there a day that we can schedule? Like, I would like for
12 us to come in and maybe do, like, self-evaluations with
13 the other staff members to see if they are clear or
14 understanding of their jobs and.

15 MR. GURVICH: Okay. We can set a meeting now if
16 you like.

17 MR. BLACKBURN: December 25th.

18 MR. GURVICH: What time? I will be in the
19 office. What's your pleasure, Board? I think that's an
20 excellent idea.

21 MR. ROMERO: I had spent two days here. I
22 interviewed all staff members that were available, did
23 not formally compile the information, used it for my
24 informational purposes. I provided some direction, some
25 guidance, some of which I think was followed very well,

1 | others of which I don't think was followed very well.

2 | But I was certainly received well. And there was an
3 | effort for improvement on the surface. So my point being
4 | is, I have spent the two days and I would encourage
5 | everyone who has that time and availability to spend some
6 | time to do that probe and form their own opinions. I
7 | don't want to interfere with anyone's ability to do --

8 | MR. GURVICH: We can set a time now, or I can
9 | send out an e-mail later today inquiring about dates and
10 | subject matter. How do you want to proceed?

11 | MS. VINSON: Can you send an e-mail out?

12 | QUESTIONS FOR THE PUBLIC

13 | MR. GURVICH: I'll do that. I think the last
14 | matter before us is, we traditionally solicit questions
15 | from the public. Is there any public remaining through
16 | all these executive sessions?

17 | MS. AUCOIN: The public is long gone.

18 | MR. GURVICH: Or they have been thoroughly
19 | obliterated by all these executive -- well, there being
20 | none, then I will move to adjourn.

21 | MR. ROMERO: Second.

22 | MR. GURVICH: All in favor say aye. Thank you
23 | very much. These proceedings are concluded.

24 | (Proceedings are concluded at 2:08 p.m.)

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, as the Officer before whom
5 this testimony was taken, do hereby certify:

6 That proceedings as herein before set forth in the
7 foregoing 122 pages were reported by me in stenographic
8 machine shorthand, transcribed by me or under my personal
9 direction and supervision, and is a true and correct
10 transcript to the best of my ability and understanding;

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

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

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

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

24
25

ANNETTE ROSS,

CCR NO. 93001

15th day of February, 2016