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FORENSIC SECURITY EXPERT

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CURRICULUM VITAE

***Introduction***

My name is E. Dwayne Tatalovich. I am an International Crime Prevention Specialist (ICPS) designated by the International Society of Crime Prevention Practitioners (ISCPP)<sup>1</sup>, and Chairman of Tatalovich & Associates Incorporated, which I founded in 1968 as the Tatt Investigating Firm (hereinafter "Tatt"). Tatt was registered with the Arizona Secretary of State on April 1, 1968, registration number 092483. Tatt subsequently evolved into Tatt Companies International, Tatt/Pedus, an International security firm World Headquarters Munich, Germany, and Tatalovich & Associates Incorporated. Tatt Companies International was the largest security, investigative and consulting firm in Arizona, and was one of the twenty largest firms in the United States. Tatt/Pedus when combined was one of the ten largest security firms in the United States.

Tatt provided security services in Arizona, Colorado, New Mexico, Oregon, Texas, Utah, Washington State and Wyoming. Tatt employed approximately fifteen hundred security personnel. Tatt's seven service divisions included: 1) security, patrol and loss prevention for a variety of industries which encompassed vulnerability studies, risk analysis, threat assessments, security surveys, security signage, executive protection, special events, workplace violence, nuclear security, and many others; 2) truth verification (Psychological Stress Evaluation - P.S.E. and Polygraph) pre-employment screening, periodic testing and specific examinations; 3) electronic detection systems, residential and commercial, security and fire detection systems, electronic access controls, Closed-Circuit Television (hereinafter "CCTV") design and installation, barrier design, perimeter fence detection, security signage, others; 4) nuclear security services, providing nuclear qualified security officers, employee and vendor background screening including criminal background checks for nuclear and non-nuclear clients; 5) electronic countermeasures, secure communications within a structure and telephonically; 6)

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<sup>1</sup> ISCPP is an offshoot of the nationally and internationally recognized National Crime Prevention Institute (NCPI) located at the University of Louisville, Louisville, Kentucky, that was founded in approximately 1970. Crime prevention training was originally conducted at the university; however, to promote updated training, an alumni association was formed and for three years met in Louisville. The NCPI was known throughout the world as a premiere crime prevention center, and many attended from around the world. As the group began to grow, in 1977 the Alumni Association separated from NCPI and formed ISCPP. The organization has been involved in pro-active security, law enforcement and crime prevention since. ISCPP have members throughout the world from the public and private sectors. The ISCPP provides a training symposium every other year, and the organization provides crime prevention updates to its members on a regular basis. The ISCPP provides formal training and testing. Applicants are rigorously tested on "15 core chapters", "14 electives", and "7 resource chapters". Applicants who successfully pass a 200-question examination are designated as "International Crime Prevention Specialists".

consulting services including vulnerability studies, risk and threat assessments, surveys, audits, staffing analysis, barrier design, special events, guard deployment, security policies and procedures, post orders, and numerous other security related services; and, 7) investigations involving fraud, workers' compensation, medical malpractice, wrongful death, automobile and construction accidents, product liability, others.

### *Tatt Specialized Services*

In 1979, at the request of Arizona's two largest utility companies, Tatt formed an eight-man Special Weapons and Tactical Response Team to respond in the event of an attempted takeover by a radical dissident group of two power generating stations located on the Navajo Nation. The Team was comprised of highly trained former military personnel, led by retired Lieutenant Colonel, United States Army, Joseph E. Griffith, Tatt's Director of Security, a highly decorated combat veteran of World War II, Korea, and Vietnam. I established the policies, procedures, training criteria, rules of engagement, type of weapons issued, use of and continuum of force. Colonel Griffith reported directly to me. The Team was featured in Phoenix Magazine in May 1977. This engagement enhanced my experience in security policies, procedures, adequate training, communications, chain of command, deployment, continuum and use of force.

### *Tatt Merged With Pedus Services, World Headquarters Munich West Germany, United States Headquarters, Los Angeles, California*

On January 1, 1984, Tatt merged with Pedus Services, World Headquarters Munich West Germany, United States Headquarters, Los Angeles, California. The Tatt/Pedus Group's headquarters were located in Scottsdale, Arizona. I was the Chairman of Tatt/Pedus, an Arizona based group during 1984 and a Consultant to Pedus through 1987.<sup>2</sup> Tatt/Pedus was one of the ten largest security firms in the United States employing approximately three-thousand security personnel with services ranging from the multi-housing industry to nuclear generating plants, presidential libraries, security guard and patrol services, electronic detection systems, access controls, barrier design and others. My position and experience with this international security organization enhanced my knowledge of the National and International security industries.

### ***Management Qualifications as an Expert in Security and Business Management***

My former firm, Tatt Companies International was the largest security firm in the State of Arizona, and one of the twenty largest security firms in the United States. Subsequent to the 1984 Tatt/Pedus merger, the combined Tatt/Pedus companies were one of the ten largest security firms in the United States employing in excess of three thousand people.

### *Firststar Bank and Trust (U.S. Bank)*

My business management experience also includes: chairman of the Metropolitan Bank and Trust, its subsidiaries, a board member of Metropolitan Bank and subsequently Firststar Bank and Trust which is now U.S. Bank, spanning from approximately 1986 through 1999. My management responsibilities included oversight of loan committee, examining committee,

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<sup>2</sup> 1984 Press Release by Pedus Services.

directors trust committee, compliance with Regulation H security requirements, and consulting when required on security matters. *Refer to following section of vitae for details.*

*ILX Resorts*

During 1989, I was chairman of ILX a national real estate time-share and real estate development company, and a board member from 1987 through 1992. I was involved in the day-to-day management of the Los Abrigados Resort located in Sedona Arizona and the Craig's Lodge located in Estes Park, Colorado. *Refer to following section of vitae for details.*

*Paragon Publishing Company*

I was the president of Paragon Publishing Company, which owned the Zane Grey publishing rights from 1987 through 1991. I was accountable for day-to-day operations.

*Across the Road Adventures (ARA)*

I was the chairman of ARA, a real estate, bar, and restaurant development company, which owned and operated two bars and restaurants located in Crown King, Arizona, from 1995 through 2006. The revenue of ARA was approximately \$700,000.00 annually. *Refer to following section of vitae for details.*

*Nutatt/Phoenix Law Enforcement Association (PLEA)*

1991 - NUTATT - PHOENIX LAW ENFORCEMENT ASSOCIATION (PLEA) – Former Chairman and Managing Partner of the joint venture with PLEA to provide off-duty police officers to private industries throughout Arizona including the multi-family industry, exterior areas of bars, clubs and restaurants, traffic control, special events, resort, hotel and motel, special events, retail shopping centers, construction sites, parking structures, parking lots, bars and restaurants, fast food restaurants, convenience stores, and others. Accordingly, I am familiar and experienced with the utilization of off-duty police officers in the private sector, off-duty policies, practices and procedures, use and continuum of force, supervision policies and restrictions for services to the private sector. I am experienced in the practices and policies of law enforcement and have worked in conjunction with the public sector throughout my forty-year career.

*Maricopa County Sheriff's Office (MCSO) Advisory Posse, Chief of Operations*

I am currently on the board of the MCSO Advisory Posse and was appointed chief of operations in 2008 and 2009. I have also been involved in numerous other business ventures and investments. I have forty years of uninterrupted management experience in security and other industries, which includes all aspects of management operations. My management experience and expertise speaks for itself. *Refer to following section of vitae for details.*

### ***Practice Specializations***

1983 to present - TATALOVICH & ASSOCIATES INCORPORATED - I specialize as a trial expert and/or consultant with regard to premises liability primarily related to third-party criminal acts. With over forty years of experience (I started at age 21), practice areas include, however, are not limited to: multi-family, hotel, motel and resort industry, hotel and casino security, parking structures and parking lots, security officers, off-duty police officers, pre-employment practices, including criminal background checks in compliance with the Fair Credit Reporting Act (FCRA) and Equal Employment Opportunity Commission (EEOC) rules and regulations, NFPA 730 standards and ASIS pre-employment background screening guidelines, security officer training, supervision, deployment, special events, concerts, motocross and vehicle racing, crowd control, crowd dynamics, demonstrations, security barriers, labor disputes, bank and Automatic Teller Machine (ATM) security, Regulation H security measures and device requirements, false arrest, civil rights violations, adequate illumination levels, retail shopping centers, loss prevention security, shoplifting, (reasonable cause, manner and duration), cocktail lounges, bar and restaurant security, security policies and procedures, standard of care regarding investigations, adequate pre-employment practices, use of and continuum of force, fast food outlets, convenience stores, electronic alarm and fire detection systems, crime statistics analysis, notice and foreseeability of violent crimes, including: 1) homicide; 2) aggravated assault; 3) sexual assault; 4) robbery; kidnapping; and, 5) major property losses.

I have extensive experience regarding private sector and proprietary security officers, loss prevention agents, investigators, and the utilization of off-duty police officers as security guards. I performed over two thousand five hundred security surveys to include vulnerability assessments, risk analysis, threat assessments and security audits. I have supervised or been involved in over two thousand security stops. My security and investigative expertise also encompasses other related areas of private, commercial, industrial, nuclear and electronic security.

### ***Investigative***

I also practice as an expert, consultant and investigator that reflect my 40 years of experience in the following areas: litigation, witness interviews, workplace violence, Department of Defense contractor investigative or security requirements, in-depth background inquiries, criminal background checks, pre-employment policies, procedures, practices, generally accepted investigative practices and procedures, management audits, sexual harassment, libel and slander, securities fraud, product liability, acquisition and sale of businesses, commercial transactions, environmental matters, contract and partnership disputes, fraud, representations and warranties, labor disputes, criminal matters and electronic countermeasures. My broad range of experience and expertise reflects forty years of practice.

### ***States Where I Have Been Engaged or Consulted as a Forensic Security Expert***

Arizona, Arkansas, California, Colorado, Connecticut, Florida, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nevada, New Mexico, New York, Pennsylvania, Tennessee, Texas, and Washington D.C.

### *Summary of Experience and Credentials*

September 1984 to 1987. PEDUS SERVICES - Consulted as an expert to this international corporation, U.S. Headquarters Los Angeles, California; World Headquarters Munich, Germany. Consultations have included various areas of security management and national multi-state operations. Specialized consulting services included: utility security, loss prevention, security policies, procedures and practices, security for retail centers, special events, labor disputes, demonstrations, electronic protective systems, multi-family housing security, parking structures and related areas, executive protection, multi-story buildings, vulnerability assessments, security audits and surveys, industrial, governmental, utility and nuclear security.

January 1984 to August 1984. TATT/PEDUS GROUP, PHOENIX, ARIZONA - President, Chairman and Chief Executive Officer. Pedus Services acquired Tatt on January 1, 1984, forming one of the ten largest security, consulting and investigation firms in the United States. Tatt Companies International and Pedus Services jointly employed approximately three thousand security professionals throughout nine states with combined annual revenues for 1984 of approximately \$30,000,000.00.

April 1968 to December 1983. TATT COMPANIES INTERNATIONAL AND/OR AFFILIATES - President, Chairman and Chief Executive Officer. Tatt's U.S. Headquarters was located in Scottsdale, Arizona. I founded each of the firm's seven operating divisions. All vice presidents and division directors reported directly to me. The divisions included; however, were not limited to: 1) security, patrol and loss prevention including vulnerability assessments to include industrial, retail and corporate security, risk analysis, threat assessment, executive protection, special events, labor disputes, crowd control, crowd dynamics, and workplace violence; 2) truth verification (Psychological Stress Evaluation - P.S.E. and Polygraph a pre-employment requirement for Tatt security officers. Services were also provided to the public; 3) electronic protective systems, access controls, security barriers, design and installation of CCTV systems; 4) nuclear security services providing nuclear qualified security officers and enhanced security for employees, contractors and executives, performing all employee and vendor background screening including criminal history checks; 5) electronic countermeasures (debugging); 6) consulting services to include vulnerability assessments, risk and threat assessments, security surveys, audits, staffing analysis, pre-employment policies, practices, training, supervision, deployment, policies, procedures, post orders; and, 7) investigations involving worker's compensation fraud, medical malpractice, workplace violence, product liability, pre-employment practices including criminal background checks, wrongful death, and business disputes to mention a few of Tatt's services.

Tatt was one of the twenty largest security firms in the United States, and the largest in the State of Arizona, which employed approximately one thousand five hundred professionals in nine states. The firm's offices were located in: 1) San Diego, California; 2) Farmington, New Mexico; 3) Houston, Texas; 4) Denver, Colorado; 5) Dallas, Texas; 6) Scottsdale and Tucson, Arizona; 7) Portland, Oregon; 8) Austin, Texas; 9) Seattle, Washington; and, 10) with operations in the State of Wyoming and Utah. Tatt's annualized fees in 1984 were approximately \$15,000,000.00.

*The Following Represents a Brief Summary, In Inverse Chronological Order of Significant Developments of Tatt Companies International and My Career Spanning Forty Years*

1980 - The Nuclear Service Division provided nuclear qualified security officers at Palo Verde Nuclear Generating Plant, and conducted level one and level two employee and vendor pre-employment background investigations including criminal history checks. During 1980, the responsibility for non-nuclear client background screening was transferred from the Investigation Division to the Nuclear Division. Tatt also provided security for nuclear demonstrations at the plant. All services were in compliance with the Nuclear Regulatory Commission (NRC) regulations, federal and state laws for the Palo Verde located approximately thirty-five miles west of Phoenix, Arizona. Tatt also provided executive protection, intelligence services, electronic countermeasures, loss prevention, fraud, risk analysis and threat assessment services for Arizona Public Service Company (APS), the managing partner for Palo Verde. The Palo Verde Nuclear Generating Station was and is the largest nuclear generating facility in the United States. All services met or exceeded all applicable nuclear regulatory standards.

1978 - The Systems Consulting Division offered; however, were not limited to, expert consultation in various areas of security, including electronic protective systems, security policies and procedures, training, post orders including multi-family, resort and retail security, security barriers, parking structures and parking lot security, special events, concerts, adequate illumination levels, security officer deployment (quantity and quality), vulnerability assessments, security surveys, audits, risk analysis, notice and foreseeability of third party criminal acts, and other areas. During 1981, I was first engaged as a security expert and provided testimony in Arizona regarding a premise liability case related to private sector security issues.

1977 - The Electronic Countermeasures Division provided counter-electronic surveillance for commercial and residential buildings, including telephonically secure communications. This division also coordinated and performed related risk analysis, threat assessment and intelligence services regarding external and/or internal eavesdropping threats to private sector clients.

1976 - The Electronic Protective Systems Division designed, installed, and monitored commercial and residential, burglary, robbery, fire, duress and medical alert systems. Tatt's commercial and residential systems were monitored by Tatt's hardened twenty-four hour state-of-the-art bullet and intrusion resistant Operations Center located in Scottsdale, Arizona. Services also included: Access Control, CCTV, mechanical locking mechanisms, structure design and physical protective barriers. By 1984, the firm's Electronic Division was ranked in the top ten full service electronic alarm providers in the State of Arizona, and provided electronic systems for other selected offices throughout the United States. Tatt was also the first computerized radionics central stations in Arizona, and was one of the ten largest alarm companies in Arizona and the southwest.

1975 - The Truth Verification Division combined the use of polygraph and psychological stress evaluation (P.S.E.) for pre-employment, specific examinations, to detect deception and fraud. Clients included: utility companies, restaurant chains, security companies, insurance

carriers, law firms and others. As part of the firm's pre-employment screening policies, all security applicants were pre-tested as a condition of employment and retested as required as a condition of continuing employment. Tatt was the first firm in the State of Arizona to utilize P.S.E.

1972 - The Security, Patrol and Loss Prevention Division provided; however, were not limited to: multi-family, retail, resort, special events, concerts, industrial, retail, and corporate security services to the Phoenix and Tucson metropolitan areas. I received the 007<sup>th</sup> security license issued by the State of Arizona, license #75-01007. Clientele ultimately included banks, multi-family complexes, hotels, motel, resorts, high rise buildings, resorts, government facilities, special events, concerts, utility companies, aviation, fossil and nuclear generating plants, manufacturing, the retail industry, defense contractors, high tech electronic firms, convenience stores, fast food restaurants, airports, a presidential library, and various other clients throughout the nine states. This division ultimately provided armed executive protection agents, and specialized in workplace violence, special events, and crime prevention.

### Investigative

1968 - Tatt was originally formed as a private investigation firm on April 1, 1968. The firm was registered with the Arizona Secretary of State, Trade Name Registration Number 092483. *I received the fifty-first investigative license issued by the State of Arizona, license number 10051.* Services included litigation related investigation primarily for law firms, corporations and insurance carriers. Specializations included: workers' compensation fraud, wrongful death, personal injury, product liability, loss prevention and criminal investigations. During 1977, I was selected by both Arizona Public Service Company and Salt River Project, Arizona's largest utility companies, to develop and implement a power diversion program (theft of electricity and/or natural gas) leading to numerous unprecedented successful criminal prosecutions. Annual fees for the firm in 1968 were approximately \$9,600.00.

### Security and Investigative Licensing

I have been the principal for licensing, license holder and/or appointed a qualifying party where applicable, for licensing in security, investigation and electronics for the States of: 1) Arizona; 2) California; 3) Colorado; 4) New Mexico; 5) Oregon; 6) Texas; 7) Utah; 8) Washington State; and, 9) Wyoming. During my career, my companies, or companies I managed and/or had an interest in, have earned in excess of approximately \$100,000,000.00 in professional fees.

### ***Related Industry Experience in Specific Areas; However, Not Limited to***

#### Parking Lots and Structures

The vast majority of clients that I have represented during the prior forty years had parking lots and/or parking structures. The types of businesses ranged from multi-housing, high-rise office buildings, industrial facilities, special events, hotels, motels, bars, restaurants, retail

centers, fast food, convenience stores, a presidential library, and the largest nuclear power plant in the United States, the Palo Verde Nuclear Generating Station.

I am experienced in the standards, guidelines, practices and recommendations of the security industry and a reasonable standard of care as applied to parking lots and structures.

Tatt routinely provided security services to retail industries, including strip-type centers, shopping centers and retail businesses, all of which had parking structures and/or parking lots. I am experienced in the NFPA 730 2006 and 2008 standards, ASIS and other organizations' guidelines, practices and recommendations of the industry, and a reasonable standard of care as applied to premises liability involving third-party criminal acts within parking areas.

#### Navajo Nation Security Experience

I am experienced in the security practices of the sovereign Navajo Nation that is located within the States of Arizona and New Mexico. I was offered and accepted as a forensic security expert in the matter of Jensen v. Giant Industries, in the District Court of the Navajo Nation, Judicial District of Chinle. I provided security to Arizona Public Service, Four Corners Power Plant and to the New Mexico Public Service Company, San Juan Generating Station, both located near Farmington, New Mexico; and the Salt River Project, Navajo Generating Station, Page, Arizona. Tatt and Tatt/Pedus employed an average of approximately one hundred fifty Navajo security officers on the Navajo Nation from approximately 1978 through 1988. I am one of the very few security experts with security experience on the Navajo Nation.

#### Special Events, Concerts and Arena Security

I am a member of International Festival and Events Association (IFEA). I am very familiar with the security standards, guidelines and practices of the industry. I have been engaged as both a plaintiff and defense expert in litigation regarding concerts, arena security, special events, race and motocross events.

Tatt provided special event security to include: concerts, arena security, motocross, racing events, celebrations, providing crowd control and accessing crowd dynamics. Tatt routinely utilized security barriers and other security measures and/or devices to control large crowds often comprised of aggressive individuals including concert attendees in order to deter, detect, prevent accidents, injuries and/or violent acts. Other services included: labor disputes, nuclear and other demonstrations, protests, annual board meetings where shareholder protests were predictable, and others.

#### Racing and Motocross Events

I am experienced in racing events. I was involved in semiprofessional drag racing, both as a pit crewmember and driver from 1967 through 1981. During 1970, I was featured in a Champion Spark Plug Commercial and printed medial advertising including TV Guide, Esquire and Time Magazines, and others. My opinions are based on experience as a security practitioner,

expert, pit crewmember, driver and spectator. *Refer to Champion Spark Plug Advertisement and Champion Television Commercial.*

I have a unique understanding of special events as a practitioner and a forensic security expert.

#### *Resort, Hotel, Motel, Lodging and Multi-Family Industries' Experience*

In 1988 a group of investors and myself formed a publicly traded company to purchase the Los Abrigados Resort located in Sedona, Arizona, which had 195 units and was situated on 20 acres.

Our business plan was to convert the resort to a timeshare property, which is similar to a multi-housing community, except the residents generally stay from one week to six months. I was a member of the board of directors, and was appointed to, and served on the executive committee from 1988 to 1992. I was elected chairman of the board in 1989. During 1989 and 1990, I was directly responsible for the oversight of day-to-day management operations of Los Abrigados located in Sedona, Arizona; The Craig's Lodge located in Estes Park, Colorado; and, The Ventura Resort located in Boca Raton, Florida. My responsibilities specifically included oversight of security, safety, and in particular, the parking and common areas. I was ultimately responsible for the success and profitability of the company. ILX went on to purchase numerous timeshare properties in Arizona, Nevada, Indiana, and Mexico.

ILX's Premiere Vacation Club (PVC) was formerly located at 4813 Paradise Road, Las Vegas, Nevada, which was situated on approximately forty-four acres. ILX has an interest in The Carriage House Hotel, which is located at 15 East Harmon Avenue, Las Vegas, Nevada. The Carriage House Hotel is a one hundred fifty-four room multi-story hotel. ILX formerly operated Joey's Bistro, a gourmet restaurant that was located on the top floor overlooking the Las Vegas Strip. I continue to consult with ILX on security issues from my Phoenix office. ILX also owns and/or operates resorts which include: The Los Abrigados Resort, Los Abrigados Lodge, The Inn at Los Abrigados, and The Bell Rock Inn and Suites which are located in Sedona, Arizona; Kohl's Ranch and Lodge located near Payson, Arizona; the historic Crag's Lodge at the Golden Eagle Resort, Estes Park, Colorado; the Varsity Clubs of America, South Bend, Indiana and Tucson, Arizona chapters; and an international resort in San Carlos, Mexico – Sea of Cortez.

My management and security experience with ILX has enhanced my knowledge of the hotel, motel, resort, and multi-family industries. Very few security practitioners have both board and property level management experience, in combination with experience as a security practitioner. I remain a security consultant to ILX.

#### *Hotel and Casino Experience*

I have been engaged as a defense forensic security expert on behalf of Silverton Hotel and Casino, Texas Station and Casino, Sam's Town Hotel and Casino, Suncoast Hotel and

Casino, Orleans Hotel and Casino, Orleans Arena, Imperial Palace Hotel and Casino, Aztec Inn, and Moulin Rouge.

I have been engaged as a plaintiffs' expert in two actions filed against Riverside Hotel and Casino in Laughlin, Nevada, and the Bellagio in Las Vegas, Nevada.

My practice includes, however, is not limited to: security officer operations, pre-employment practices, security policies and procedures, use and continuum of force, detention practices, procedures, investigative policies, procedures and practices, training, remedial training, supervision, traffic control, and parking area security.

*Bar, Restaurant and Alcoholic Beverage Industries*

May 1995 to 2006. Chairman - Crown King Investment Group, Inc., (hereinafter "CKIG"), an Arizona real estate, restaurant and bar development company.

CKIG owned a partnership interest in Across the Road Adventures, LLC (hereinafter "ARA"). ARA formerly owned and operated two bars and restaurants, the Crown King Saloon, a 100-year-old historic site, and the Switchback Grill and Saloon located in Crown King, Arizona. Both bars dispensed spirituous beverages and provided live entertainment to patrons. I have been a party on three Arizona liquor licenses including the Los Abrigados located in Sedona, Arizona. My respective relationship with CKIG and ILX have enhanced my experience and operating knowledge of the alcoholic beverage, bar and restaurant industries, particularly statutory regulations for the alcohol beverage industry, dram shop laws, statutory requirements, security standards, guidelines, practices and/or recommendations relating to security. I was also a partner in the Pastaria Grill and Restaurant, which was located at Central Avenue and Clarendon in Phoenix, Arizona. I am familiar with alcohol awareness practices, duties and responsibilities of a licensee, security and pre-employment practices, security training, limitations regarding use and continuum of force, reasonable cause and manner for removal of patrons, and overall invitee and employee safety and security.

*Banking Industry*

1986 to 1999. FIRSTAR METROPOLITAN BANK AND TRUST (US BANK) - I served on and consulted with the Board of Directors for Metro Bancorp, Incorporated from 1986 through 1989; and its subsidiaries Metropolitan Bank, MB Mortgage Company, and MB Residential Services. I was elected Chairman of Metropolitan Bank and Metro Bancorp in 1987 and served through 1989. I provided consulting to the Bank on security, safety, investigation and related issues.

During 1989, I was active in the negotiations regarding the sale of Metro Bancorp to Firstar Corporation and subsequently was offered a Firstar Director's position. From 1989 through 1999, I served on the Firstar Metropolitan Bank & Trust Board of Directors, Loan Committee, Examining Committee, Directors Trust Committee, and continued to advise the Arizona based bank on security matters.

Firststar was the fourteenth largest bank in the United States with over Seventy-Three Billion Dollars in assets. During late 1999, all wholly owned subsidiaries of Firststar Bank and Trust were merged into the Firststar Corporation. On October 21, 1999 at 4:50 p.m., the Phoenix, Arizona Firststar Metropolitan Bank Board of Directors approved the Arizona Firststar merger. Accordingly, the legal board for Arizona was dissolved as of November 12, 1999. I was offered a position by Firststar as an advisory director, which I declined. Firststar acquired U.S. Bancorp in February 2001, becoming the ninth largest bank in the United States.

I am experienced in bank management and security as a former thirteen-year board member of a major national bank, and as a security practitioner. Very few security experts have board level management experience in the banking industry.

#### Federal Banking Security Requirements

Regulation H, subpart F, a Federal requirement for membership in the Federal Reserve System, required the bank board of directors to comply with Regulation H minimum security requirements to “ensure that a written security program for the main office and branch officers are developed and implemented.” The board was responsible to designate a bank “security officer ... to administer a written security program for each bank office.” The security officer was required at a minimum to report to the board on an annual basis regarding the “implementation, administration and effectiveness of the security program.” The board, which I served on for thirteen years, was ultimately responsible for the bank’s security measures, devices, employee training, and security program.

My experience with Metropolitan Bank and Firststar Bank & Trust has enhanced my credentials in bank management, security, bank secrecy laws, ATM’s, illumination, CCTV systems, cash management, robbery deterrent procedures, robbery prevention, security guards, alarm systems, parking area security, security barriers, financial analysis, asset searches, commercial lending, and related areas of security and investigation.

#### Restaurant and Fast Food Industry

Tatt provided security services and security guards to the fast food industry throughout the states Tatt operated in. Other services provided were: robbery prevention, employee training, vulnerability assessments, security policies, procedures, CCTV systems, barriers, and Crime Prevention Through Environmental Design (CPTED) principles and practices.

#### Pre-Employment Background Screening Policies and Practices

I specialize in pre-employment background screening policies and procedures including criminal background checks. As an expert, I examine the adequacy of pre-employment policies, procedures, background screening, and criminal history checks.

We also provide background investigations for a variety of non-employment issues; however, not limited to: 1) criminal background checks; 2) credential and education verification,

particularly on expert witnesses; 3) reference development; 4) sex offender registration; 5) outstanding warrants; and, 6) civil record examination.

All services were and are in compliance with the Fair Credit Reporting Act (FCRA) and the Equal Employment Opportunity Commission (EEOC) rules and regulations.

*Experience Utilizing Off-Duty Police Officers as Private Sector Security Officers*

1991 - NUTATT - PHOENIX LAW ENFORCEMENT ASSOCIATION (PLEA) – Former Chairman and Managing Partner of the joint venture with PLEA to provide off-duty police officers to private industries throughout Arizona including the multi-family industry, exterior areas of bars, clubs and restaurants, traffic control, special events, resort, hotel and motel, special events, retail shopping centers, construction sites, parking structures, parking lots, bars and restaurants, fast food restaurants, convenience stores, and others. Accordingly, I am familiar and experienced with the utilization of off-duty police officers in the private sector, off-duty policies, practices and procedures, use and continuum of force, supervision policies and restrictions for services to the private sector.

I have also testified twice as an expert before the Arizona Industrial Commission regarding acts of off-duty police officers which resulted in serious injury or death. The issues in both cases were the officers' acts outside or within the course and scope of off-duty employment. *Robertson v. Sixpense Inn* and *Wargo v. Riddle Group/Maricopa Court/State Compensation Fund*. PLEA is the certified bargaining representative for approximately two thousand four hundred certified Phoenix Police Officers. I am experienced in the practices and policies of law enforcement and have worked in conjunction with the public sector throughout my forty-year career.

*Law Enforcement Related Experience, Maricopa County Sheriff's Office Advisory Posse*

The Maricopa County Sheriff's Office (hereinafter "MCSO") is one of the largest sheriff's offices in the nation with law enforcement responsibilities for Maricopa County, one the largest counties in the nation, encompassing nine thousand two hundred square miles, an area larger than some states.

In September 2006, Mr. Leroy Schneider, the former Chairman of Security Title of Arizona, and Commander of the advisory posse recommended me for consideration by the MCSO as a sworn posse member.

The MCSO performed a comprehensive background investigation to determine if I met the posse's criteria as a member of the MCSO advisory posse.

On September 8, 2006, Sheriff Joe Arpaio, a nationally recognized sheriff, administered my oath as a sworn member of the MCSO advisory posse. My rank is Captain, Serial No.: PA0196.

On October 18, 2007, I was nominated and elected to the Advisory Posse Board of Directors, and appointed Chief of Operations for the years 2007 and 2008. I was re-nominated in October 2008, and elected to the Board as Chief of Operations for 2009. I was re-nominated in November 2009 and elected to the Advisory Posse Board as the administrative officer for 2010.

MCSO policy G-J27 governs the posse. The policy sets forth in part:

Due to the limited staff available, and his extensive responsibilities, the Sheriff has the authority to call upon qualified personnel to assist him as members of recognized posses.

The principal purpose of posse groups is to provide the Sheriff with a force of volunteers to assist in carrying out the duties of the Office. ...

Since the Sheriff, or his designee, must call upon the individual or posse group for assistance, THE POSSE COMMISSION CARRIES NO LAW ENFORCEMENT AUTHORITY UNTIL AN INDIVIDUAL IS ACTIVATED. At that time the authority is established. Authority is limited to the conditions of the call out. A posse member is only vested with law enforcement powers of arrest when a Maricopa County Sheriff's Deputy or reserve deputy directs him to make an arrest. ...

(Emphasis added).

According to the sheriff's office information, the posse performs the following functions; however, not limited to, which I quote in part:

Posse members provide valuable assistance to virtually every division within the Sheriff's Office. Posse members assist the patrol deputies by providing back-up on dangerous calls, transport prisoners to jail, and provide traffic control at accident scenes. Posse members are also used to process paperwork for the Civil/Criminal Process Sections, Records and Identification Section, Enforcement Support Division, and the special Investigations Division. [www.mcso.org/submenu.asp?file=posse](http://www.mcso.org/submenu.asp?file=posse)

I consult with senior officers of the sheriff's office biannually and/or as required, regarding various requirements to support field operations to include requests for specialized training, equipment, and approval of memorial fund distributions for fallen deputies and/or other officers.

The advisory posse has also established and is responsible for a memorial fund for injured or fallen officers. To date the posse has raised approximately \$700,000.00.

My position with the MCSO advisory posse provides valuable law enforcement interaction and experience with the law enforcement community, and provides the availability for continued law enforcement training which is offered to posse members.

I remain available for a “call out as an advisor”, and serve at the pleasure of Joe Arpaio, Sheriff of Maricopa County.

***Methodology of a Security Vulnerability Assessment as set Forth by: 1) the National Fire Protection Association (NFPA) 730 Guide for Premises Security 2006 or 2008 Editions, Adopted as an American National Standard Effective August 18, 2005; or, 2) the Generally Accepted Industry ASIS General Security Risk Assessment Guidelines***

I follow the generally accepted industry methodology for vulnerability and standard of care assessments, that include applicable NFPA 730 2006 or 2008 American National Standards Institute (ANSI) standards, ASIS General Security Risk Assessment Guidelines, and/or other industry guidelines and practices when performing security vulnerability assessments, security surveys, threat and risk assessments, and apply the same methodology when I am engaged as a security consultant, or a forensic security expert, irrespective if I am engaged by the plaintiff or defendant.

For crimes and/or incidents that occurred from November 13, 2002 through August 17, 2005, I have primarily followed the generally accepted American Society for Industrial Security (ASIS) General Risk Assessment Guidelines; however, I have also complied with the International Association of Professional Security Consultants (IAPSC), Best Practices #2: Forensic Methodology dated June 2000, and amended on May 2, 2005 and November 2008.

For crimes and/or incidents that occurred from August 18, 2005 through December 30, 2007, I have primarily followed the National Fire Protection Association (NFPA) 730 2006 standards, that were approved by ANSI on August 18, 2005; however, ASIS or other generally accepted guidelines that are applicable to specific industries, including IAPSC Best Practices #2, may also be considered and/or followed.

For crimes and/or incidents that occurred from December 31, 2007 through the present, I have primarily followed the NFPA 730 2008 standards and Guide for Premises Security; however, ASIS or other generally accepted guidelines that are applicable to specific industries including IAPSC Best Practices #2, may also be considered and/or followed.

***Professional Memberships***

American Nuclear Society (ANS) - April 1983 through December 31, 2010

American Society for Industrial Security (ASIS) - January 1, 1977 through December 31, 2010

Arizona Multihousing Association (AMA) - October 1, 1998 through October 1, 2010

Arizona Crime Prevention Association (ACPA) - January 1999 through December 31, 2010

Arizona Hotel & Lodging Association (AH&LA) - 1999 through December, 2010

Forensic Expert Witness Association - June 2009 through December 2010

Illuminating Engineering Society of North America (IESNA) - February 1999 through January 31, 2010

International Association for Healthcare Security and Safety (IAHSS) - October 12, 1998 through November 30, 2010

National Association of Chiefs of Police (NACCP) - 1987 through December 1, 2012

International Council of Shopping Centers (ICSC) - October 10, 1998 through September 30, 2010

International Festivals and Events Association (IFEA) - June 2003 through December 2010

International Society of Crime Prevention Practitioners, Inc. (ISCPP) - October 12, 1998 through December 31, 2010

Former member International Special Events Society (ISES)

National Apartment Association (NAA) - February 2000 through October 1, 2010

National Criminal Justice Association (NCJA) - November 2000 through December 31, 2010

National Fire Protection Association (NFPA) - July 1994 through July 31, 2011

Maricopa County Sheriff's Office Advisory Posse - September 2006 through December 31, 2012

***Industry Publications Routinely Reviewed in my Continuing Education Regarding the Standards, Guidelines, Practices and Recommendations of the Private Sector Security Industry***

8<sup>th</sup> Edition, Illuminating Engineers Society North America Lighting Handbook

9<sup>th</sup> Edition, Illuminating Engineers Society North America Lighting Handbook

An ICSC White Paper, International Council of Shopping Centers

Apartment News, Official Publication of the Arizona Multi-Housing Association

Arizona Hotel & Lodging Association

Arizona Multi-Housing Association Newsletter

ASIS Newsletters

ASIS Security Management Daily Briefing

Crime Prevention Curriculum by International Society of Crime Prevention Practitioners (ISCPP)

HospitalityLawyer.com – Loss Prevention Newsletter

International Association for Health Care Security and Safety Newsletter (IAHSS)

International Council of Shopping Centers Publications (ICSC)

ICSC Asia and Euro Briefs

ISES Arizona eNewsletter

ISCPP Enews

Journal of Health Care Protection Administration

Lighting Design and Application by IESNA

National Fire Protection Association (NFPA) 2006 and 2008 ANSI Premises Security Standards

Nuclear News, American Nuclear Society

Morgan Quitno City Crime Rankings from 2002 through 2010

Protection of Assets Manual by ASIS

SCT Xtra, a Publication of Shopping Centers Today

Security Concepts

Shopping Center Management Insider

Special Event Risk Management Manual, Volume I

Special Event Security Management, Loss Prevention and Emergency Services, Volume II

The Chiefs of Police, National Association of Chiefs of Police

The Practitioners, International Society of Crime Prevention Practitioners, Inc. (ISCPP)

## Units, Publication of the National Apartment Association (NAA)

The firm invests in excess of \$3,000.00 annually for membership and/or association dues, including publications, reference materials, educational seminars and internet access, in order to access industry publications, research, databases, security standards, guidelines, practices, recommendations and/or emerging security, standards, guidelines, practices and trends.

### ***Industry Recognition***

"Who's Who in American Law Enforcement", 1983

Former member of ASIS Nuclear Utilities Sub-Committee, 1983 - 1987

Former member ASIS Standing Committee on Utility Security, 1983 - 1987

Moderator, American Society for Industrial Security, Chattanooga, Tennessee.

"Facility Drug Abuse", 1987

Contributed to and consulted in the publication of the Utility Security Managers' Handbook (ASIS) published, January 1, 1988

Consultant, ASIS Standing Committee on Utility Security, 1988 - 1990

"Who's Who in American Law Enforcement", 1989

My firm was chosen to consult and audit the Arizona State Lottery for compliance with existing security, standards, guidelines, practices and operations, May 1996

I was approved by the City of Phoenix City Attorney's Office to provide investigative services, 1997-1998

Lorman Education Services faculty member regarding premises liability related to third parties, 2003 and 2004

I was sworn in as a Maricopa County Sheriff's Office Advisory Posse Member by Sheriff Joe Arpaio on September of 2006

I was elected and reelected to the Advisory Posse Board of Directors and appointed Chief of Operations for 2007, 2008, and in 2010, I was appointed to the position of Administrative Officer.

### ***Continuing Education, Seminars, Lectures and Workshops***

1970 - Officed at Johnson & Tucker, a prominent Phoenix law firm. During a one and one-half year internship, I received instruction and supervision in investigations relating to premises and general liability, negligence, wrongful death, auto accidents, burglaries, product

liability, witness interviews and written statements by Kenneth L. Tucker, a lawyer since 1967, and Arthur Johnson, a legendary Arizona trial lawyer. Mr. Tucker is A.V. Martindale Hubble rated, and is listed in the National Registry of Who's Who - 1999 Edition. Mr. Tucker is also recognized by Woodward/White, Inc. National Survey: Selected as one of the Top 3000 Lawyers in America 1997 – 1998, and is certified as a specialist in personal injury and wrongful death by the State Bar of Arizona.

1971 - Accident Scene Investigation and Reconstruction, Buckeye, Arizona, by Lieutenant Lowell Hicks, Expert Reconstructionist, Phoenix Police Department.

1971 - 1972 Two year internship with Debus, Busby & Green, Ltd., a prominent Phoenix law firm, now Debus, Kazan & Westerhausen, Ltd. The firm is A.V. Martindale Hubble rated, and Mr. Debus is listed in the publication Best Lawyers in America. The internship provided training in civil and criminal investigation, security issues, interviewing techniques, crime scene examinations, custody and control of evidence, search and seizure, use of and continuum of force and police procedures. Mr. Debus, a lawyer since 1971, was a former Phoenix Police Detective, Maricopa County Prosecutor and Criminal Justice Professor at Glendale Community College.

1972 - Educational seven day seminar regarding patrol procedures, facilities security, and security officer placement by Detective Ronald W. Cherry, Narcotics Division, Maricopa County Sheriff's Office.

1973 - Educational five day seminar regarding training criteria, firearms training, and range qualification with classroom instruction for security officers, by Detective Ronald W. Cherry, Narcotics Division, Maricopa County Sheriff's Office.

1976 - American Society for Industrial Security, Annual Convention Exhibits and Security Workshops.

1976 - Educational five day seminar regarding industrial security, post orders and patrol techniques by Lieutenant Colonel Joseph E. Griffith, Retired United States Army.

1976 - Educational seminar regarding electronic alarm system design and digital reporting by Security Corporation of America (SCOA).

1976 - Five day workshop regarding the design of alarm systems to include panic, holdup, mobile transmitter, smoke detectors, rate of rise detectors, under carpet mats, glass breakage detection, and digital technology, by Douglas A. Knall, former President, Bay Shore Security, Industry Expert.

1977 - Workshop regarding power diversion, theft of natural gas, vulnerability to tampering as defined by A.R.S. Title §13, presented by Arizona Public Service.

1977 - Workshop regarding power diversion, theft of electricity, vulnerability to tampering, as defined by A.R.S. Title §13, presented by Arizona Public Service.

1977 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1977 - Lecture regarding security requirements for a 24-hour operations center, including telecommunications, by Jerry L. Grissom, Chief Investigator, Salt River Project.

1979 - International Security Conference and Exposition on state-of-the-art security products, Anaheim, California.

1979 - Lecture regarding construction security, warehouse inventory control, search and seizure by Doug Nelson, former Assistant Chief, Phoenix Police Department and Director of Nuclear Security, Palo Verde Nuclear Generating Station.

1979 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1979 - Workshop seminar by Blue Grass Manufacturing regarding glass breakage detectors and sound discriminators.

1980 - Workshop regarding law enforcement general orders, and the application to the private sector, by P. Michael Napier, Attorney for the Phoenix Law Enforcement Association (PLEA).

1980 - Educational workshop for security guard training as required by the State of Arizona by retired officer James Smith, Department of Public Safety, formerly assigned to the state licensing department for security and investigation licensing.

1980 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1981 - Workshop regarding preparation of post orders, security surveys, parking structures and lighting, by Rodney Chapin, Assistant Director of Security, Arizona Public Service Company.

1981 - Educational workshop regarding radionics products for electronic security, by Radionics.

1981 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1981 - Educational workshop on interviewing techniques and use of polygraph, by M. John Morris, Certified Polygraphist.

1981 - Workshop seminar by Koyo and Panasonic regarding CCTV.

1981 - Workshop seminar by Card Key, regarding access control.

1982 - Lecture regarding nuclear and coal fired utility security practices by, G. Carl Agdognini, former Vice President of Nuclear Operations, Arizona Public Service.

1982 - Workshop regarding Radionics Central Station computer operation, by Radionics.

1982 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1983 - Educational workshop regarding multi-housing security, by Lieutenant Colonel Joseph E. Griffith, Retired United States Army.

1983 - Lectures regarding nuclear security standards, including tour of the Palo Verde Nuclear Generating Station Reactor and Operations Center. The lecture included: background requirements of employees, visitors and contractors of the industry, by G. Carl Agdognini, Vice President of Nuclear Operations, Arizona Public Service and Doug Nelson, Security Director for Palo Verde security and former Assistant Chief of Police for the Phoenix Police Department.

1983 - Educational seminar regarding nuclear security practices and standards, Albuquerque, New Mexico.

1983 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1984 - Lecture regarding security techniques of multi-story buildings and parking structures, by William T. Luse, former Director of Security, Arizona Public Service.

1984 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1986 - American Society for Industrial Security (ASIS), Annual Convention Exhibits and Security Workshops.

1988 - Educational workshop regarding community based policing, by Norman Harris, Officer, Louisville Police Department.

1991 - Bank Security, Audit, Robbery Procedures and ATM placement, by Paul F. Muscenti, President and Chairman, Firststar Metropolitan Bank and Trust, Phoenix, Arizona.

1995 - Update on electronic sensors to include dual tech sensors, radio-frequency transmitter, CCTV systems, and technology available regarding outdoor security systems, by Douglas A. Knall, President PMS Security Systems.

1995 - International Security Conference and Exposition of state-of-the-art security products and practices, Anaheim, California.

1996 - Jones, Skelton & Hochuli, Annual Update of Arizona Law Seminar.

1997 - Jones, Skelton & Hochuli, Annual Update of Arizona Law Seminar regarding Municipal Liability and Risk, Phoenix, Arizona.

1998 - Premises Liability Lecture, American Society for Industrial Security (ASIS), by Chris E. McGoey, CPP.

1998 - Educational seminar regarding executive protection, utility security and parking structures, by Jerry L. Grissom, CPP, retired Director of Security, Salt River Project.

1998 - Educational workshop regarding electronic countermeasures, by Timothy Johnson, Expert and former Office of Special Investigations (OSI) Agent, United States Air Force.

1998 - Workshop regarding Arizona Crime Free Multi-Housing Association, by Officer Tim Zehring, Mesa Police Department.

1998 - Lecture regarding executive protection practices of the United States Government, by Richard E. White, retired Phoenix Police Department, former special agent, Office of Special Investigations (OSI), United States Air Force.

January 1999 - Illuminating Engineers Society of North America (IESNA), Arizona Section Conference on Outdoor Lighting, by Melissa Klein, Clark Engineers.

1999 - Lecture regarding Arizona Crime Statistics, to include: analysis of grids, calls for service, population tract, and crime indexes, by Dale Norris, a retired Phoenix Police Department, former Chief Negotiator for Phoenix Law Enforcement Association (PLEA), and currently a practicing Arizona lawyer specializing in public sector law enforcement.

1999 - Update regarding Bank Security, Audit, Robbery Procedures and ATM placement by Paul F. Muscenti, President and Chairman, Firststar Metropolitan Bank and Trust, Phoenix, Arizona.

1999 - 45<sup>th</sup> Annual American Society for Industry Security (ASIS), Seminar and exhibits regarding state-of-the-art security products and practices, Las Vegas, Nevada.

1999 - Lecture regarding Preventing Leasing Employee Assault and Sexual Endangerment (PLEASE) sponsored by the Arizona Multi-Housing Association.

2000 - "School Violence: A Threat Assessment Perspective" Workshop with topics including: Origins and Types of Violent Behavior, Specific Risk Factors of Students, Framework for Assessment of Risk Level, Referral and Assessment Protocol and Legal and Liability Issues, by Stephanie Orr, M.A., School Psychologist and Dean Pickett, J.D., Esquire, Phoenix, Arizona.

2000 - Jones, Skelton & Hochuli, Annual Update of Arizona Law Seminar regarding Municipal Liability; specifically, the 1983 Civil Rights Act, Anatomy of a Trial and Employment Law, Phoenix, Arizona.

2000 - International Conference of Shopping Centers Security Conference (ICSC), Las Vegas, Nevada.

February 2001 - American Society for Industrial Security (ASIS), Lecture on workplace violence, risk and threat assessment by Captain Jay Swart, Capital Police, State of Arizona.

2001 - Jones, Skelton & Hochuli, Annual Update of Arizona Law Seminar.

2002 - Familiarization and demonstration of portable network video CCTV system, digital transmission and storage by Tim Lee, Micro Technology Services.

2002 - Jones, Skelton & Hochuli, Annual Update of Arizona Law Seminar, specifically premises liability presented by Jeffrey T. Bergin, Esquire and Jefferson T. Collins, Esquire.

August 12, 2003 – Lorman Seminar, premises liability in Arizona regarding: 1) trip/slip and fall from the plaintiff's side; 2) trip/slip and the fall from the defense side; 3) premises liability related to third party criminal acts; 4) inadequate security claims; and, 5) falling objects and merchandise.

August 10, 2004 – Lorman Seminar, premises liability in Arizona regarding: 1) trip/slip and fall from the plaintiff's side; 2) trip/slip and the fall from the defense side; 3) premises liability related to third party criminal acts; 4) inadequate security claims; and, 5) falling objects and merchandise.

November 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>, 2004 – International Society of Crime Prevention Practitioners, three days training and testing to include:

Section I: Introduction to Crime Prevention

History – Concept to Crime Prevention  
Three Lines of Defense

Section II: Core Subjects

Armed Robbery  
Check Fraud  
Child Safety  
Credit Card Fraud  
CPTED  
Crimes Against the Elderly  
Domestic Violence  
Identity Theft  
Lighting for Security  
Neighborhood Watch & Homeland Security

Public Speaking  
Security Surveys  
Sexual Assault

Section III: Elective Subjects

Auto Theft (Car Jackings)  
Con Games (Mail and Telemarketing Fraud)  
Construction Site  
Crime Analysis  
Gang Awareness  
Internet Safety  
Multi-Housing  
Operation Identification  
Personal Safety  
Rural Crime Prevention  
School Safety – Emergency Preparedness Plan  
Shoplifting & Internal Theft  
Volunteers

Section IV: Resources

Alarm Systems  
Dealing with the Media  
Locks  
Managing Conflict (Safe Workplace)  
Selling Crime Prevention  
Sexual Assault (Interview)  
Sexual Assault (Sub-types)

September 1, 2005 - Reviewed proposed draft of the NFPA 730 2006 ANSI standards for premises security, all chapters.

March 21, 2007 – Maricopa County Sheriff’s Office advisory posse meeting to include a demonstration by SWAT team/K-9, jail response team, and lake patrol divers, general discussion of law enforcement practices, and in particular, immigration enforcement with Sheriff Joe Arpaio.

October 18, 2007 – Maricopa County Sheriff’s Office advisory posse meeting - nominated and elected to the Advisory Posse Board of Directors, and appointed Chief of Operations for the years 2007 and 2008. The meeting included a general discussion with the sheriff, election of Board of Directors, status of the advisory posse memorial fund.

January 1, 2008 – Reviewed the NFPA 730 2008 security standards, all chapters.

January – February 29, 2008 – Reviewed all material changes to various chapters of the ASIS Protection of Assets Manual regarding the private sector security industry.

March – April 2008 – Reviewed all ASIS standards and guidelines to include: 1) Business Continuity Guideline; 2) Chief Security Officer Standard; 3) Facilities Physical Security Measures Guideline; 4) Facilities Physical Security Management Standard; 5) General Security Risk Assessment Guideline; 6) Information Asset Protection Guideline; 7) Organizational Resilience: Security, Preparedness and Continuity, Management Systems – Requirements with Guidance for Use Standard; 8) Pre-employment Background Screening Guideline; 9) Private Security Officer Selection and Training Guideline; 10) Threat Advisory System Response Guideline; and, 11) Workplace Prevention and Response Guideline.

March 10, 2008 – Maricopa County Sheriff's Office advisory posse meeting. General discussions with Sheriff Joe Arpaio, in particular, immigration laws and enforcement, which was followed by a tactical shooting demonstration at the Scottsdale Gun Club.

August 5, 2008 – ASIS International Webinars, CPTED Outside the Box: Creative Combinations of Environmental and Physical Security that Reduce the Cost of Preventing Crime.

October 15, 2008 – Maricopa County Sheriff's Office advisory posse meeting. The board consulted with management representatives from the sheriff's office regarding a request and justification of funds for: 1) enhanced specialized physical training for the SWAT team; 2) repairs for the shooting simulator; and, 3) replacement uniforms for the detail assigned to special events. All expenditures were approved. The board subsequently approved a memorial fund payout to a fallen Phoenix Police Officer.

April 8, 2009 – Maricopa County Sheriff's Office advisory posse meeting. General discussions and approval of board decisions.

October 20, 2009 – Maricopa County Sheriff's Office advisory posse meeting. Election of officers, review memorial fund payout policy for injured or fallen officers, tactical demonstration by the sheriff's office special detention recovery team regarding techniques utilized in the apprehension of escaped inmates. General discussion with Sheriff Joe Arpaio.

### ***Lecture Engagements***

Guest speaker of the American Society for Industrial Security (ASIS), Orlando, Florida. "Legal Aspects of Security Liability", 1986.

Guest speaker with Burns International and Phoenix Holdings, Inc. regarding: premises liability, corporate and residential security, response to dangerous or life threatening situations, and other related areas. 1985 through 1995.

Guest speaker of Legal Assistants of Metropolitan Phoenix (L.A.M.P), Phoenix, Arizona regarding: premises liability, negligent hiring, employment, supervision, and background investigations. 3-95.

Guest speaker at Westwood High School, Mesa, Arizona regarding false arrest and use of excessive force. 4-95.

Guest speaker, as a premises liability expert for the law firm of Jones, Skelton & Hochuli, Annual Update of Arizona Law. My lecture focused on premises liability and security practices, Phoenix, Arizona. 5-96.

I provided a three-credit student business internship approved by the College of Georgetown, Georgetown, Kentucky, to include risk analysis and premises liability. 5-99.

Guest lecturer, National Association of Legal Investigators, mid-winter conference. My lecture focused on premises liability and investigation related to third party criminal perpetrators. Other speakers included Janet Napolitano, former United States Attorney for Arizona, Grant Woods, former Arizona Attorney General, and William J. Flynn, Forensic Document Examiner. 1-01.

Lecturer for ILX International Resorts on premises liability related to third party criminal acts. The lecture and consultation was presented to ILX resort managers at the annual 2003 management conference in Sedona, Arizona. ILX management representatives included: The Los Abrigados Resort, Los Abrigados Lodge, The Inn at Los Abrigados, and The Bell Rock Inn and Suites which are all located in Sedona, Arizona; Kohl's Ranch and Lodge located near Payson, Arizona; the historic Crag's Lodge at the Golden Eagle Resort, Estes Park, Colorado; the Varsity Clubs of America, South Bend, Indiana and Tucson, Arizona chapters; and an international resort in San Carlos, Mexico – Sea of Cortez. 2-03.

Lorman faculty instructor on premises liability in Arizona, specifically, liability related to third party criminal perpetrators. Continuing Legal Education (CLE) credits were presented to attendees. Other faculty instructors included: Sean P. Healy, Esquire, Mack T. Jones, Esquire, Sara J. Powell, Esquire and Benjamin C. Thomas Esquire. 8-03.

Lecturer for ILX International Resorts on premises liability related to third party criminal acts. The lecture and consultation was presented to ILX resort managers at the annual 2004 management conference in Sedona, Arizona. ILX management representatives included: The Los Abrigados Resort, Los Abrigados Lodge, The Inn at Los Abrigados, and The Bell Rock Inn and Suites which are all located in Sedona, Arizona; Kohl's Ranch and Lodge located near Payson, Arizona; the historic Crag's Lodge at the Golden Eagle Resort, Estes Park, Colorado; the Varsity Clubs of America, South Bend, Indiana and Tucson, Arizona chapters; and an international resort in San Carlos, Mexico – Sea of Cortez. 2-04.

Lorman faculty instructor on premises liability in Arizona, specifically, liability related to third party criminal perpetrators. Continuing Legal Education (CLE) credits were presented to attendees. Other faculty instructors included: Mack T. Jones, Esquire, Sara J. Powell, Esquire and Johnny J. Sorenson, Esquire. 8-10-04.

I consulted with Eagle's Eyre III Homeowners' Association and advised its members on basic and advanced crime prevention measures to include generally accepted Crime Prevention Through Environmental Design (CPTED) principles and practices to prevent burglaries. 10-8-07.

*Media Interviews for the Last Three Years*

2004, interview by the Fox Network, Phoenix, as an expert in transit stop security.

2004, interview by Channel 4 in Tucson, as an expert in university multi-level parking garage security.

2005, interview by the Fox Network, Phoenix, as an expert in parking area security.

December 31, 2008, I was interviewed by the Baltimore Sun as an expert in bank security. The article was published under the caption "Bank Hold up Trend: Kidnapping Managers Family".

January 6, 2009, I was interviewed by NBC affiliate, Channel 12, as an expert in courthouse security. The interview aired on January 6, 2009 during the 10:00 p.m. news as a feature story regarding the trial of Dale Hausner, the alleged Phoenix serial shooter and killer who was charged with 87 crimes, including 8 homicides, several drive-by shootings, attempted murder, and aggravated assault.

December 2009, interview by Fox 10 News to air on December 19, 2009 as an expert in shoplifting, the effect and annual cost to the retail industry, compliance with the merchant's statute, and security measures to deter, detect and/or prevent shoplifting by Sandra Kotzambasis.

***Faculty Membership***

I am a faculty member of Lorman Education Services located in Eau Claire, Wisconsin. Lorman conducts Legal Education Seminars throughout the United States. I am recognized by Lorman as a premises liability expert regarding third party criminal perpetrators. I present seminars to attorneys, risk managers, real estate insurance agents, and others on premises liability related to third party criminal acts.

Attorneys may qualify for up to six hours of Continuing Legal Education (CLE) credits which may be counted towards their state bar requirements. This seminar has also been approved by the Arizona Department of Real Estate and the Arizona Department of Insurance for seven hours of continuing education.

***Special Clearances***

United States Secret Clearance - Department of Defense (Inactive)

Arizona State Department of Banking (Inactive)

Arizona Department of Liquor Licenses & Control (Inactive)

Maricopa County Sheriff's Office Background Investigation for a sworn posse member

***Licenses and Permits***

State of Arizona Concealed Weapons Permit #28929249 issued August 11, 1994 - sixteen hours of training, four hours re-certified training on August 11, 1998, eight hours re-certification on December 7, 2002. My Concealed Weapons Permit was reissued on September 15, 2006 and is current through September 15, 2011.

State of Arizona Private Investigator's License #884026 originally issued February 20, 1974, license #10051, which was the fifty-first license issued by the state. Current Arizona license #8804026.

Former principal or qualifying party for security and/or investigation licenses where applicable to include:

- a. Arizona
- b. California
- c. Colorado
- d. New Mexico
- e. Oregon
- f. Texas
- g. Utah
- h. Washington State
- i. Wyoming

***Jurisdictions Where I Have Given Testimony as an Expert Witness in Premises Liability and/or Negligence-Related Issues of Private and/or Public Sector Security***

2<sup>nd</sup> Judicial District Court, State of Nevada, Washoe County

229<sup>th</sup> Judicial District Court, State of Texas, Jim Hogg County

Arizona Industrial Commission

Circuit Court of the 9<sup>th</sup> Judicial Circuit, Orange County, Florida

Circuit Court of the 16<sup>th</sup> Judicial Circuit, Monroe County, Florida Civil Division

Circuit Court of the 18<sup>th</sup> Judicial Circuit, Brevard County, Florida

Circuit Court of the Eighth Judicial Circuit, Alachua County, Florida

Circuit Court of Pulaski County, Arkansas, Third Division

Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis

Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, General Jurisdiction Division

District Court of the Navajo Nation, Judicial District of Chinle

Iowa District Court, State of Iowa, Boone County

Maricopa County Superior Court, Arizona

Pima County Superior Court, Arizona

Santa Cruz County Superior Court, Arizona

United States District Court, 9<sup>th</sup> Circuit, Arizona

United States District Court, Southern District of Florida

United States District Court for the Western District of Tennessee, Western Division

United States District Court for the Eastern District of Texas, Marshall Division

United States District Court, Clark County, Nevada

United States District Court, Western District of Kentucky at Paducah

***Expert Testimony Provided During the Past Five Years or Greater Period of Time by Case and Jurisdiction***

- 1) *Foxfire Apts. adv. Hair, La Resa*, 2<sup>nd</sup> Judicial District Court, County of Washoe, State of Nevada.
- 2) *Burnett v. Executive Tower Condominiums*, Maricopa County Superior Court, State of Arizona.
- 3) *Dacalor v. Johnston, Maynard, Grant & Parker*, Maricopa County Superior Court, State of Arizona.
- 4) *Galvan v. Leeco Investment Company*, Maricopa County Superior Court, State of Arizona.
- 5) *Doyle v. Famous Sam's*, Santa Cruz County Superior Court, State of Arizona.
- 6) *McCullough v. Mid-America Apartment Communities*, United States District Court for the Western District of Tennessee, Western Division, October 4, 2002.

- 7) Mohammed v. Bobby McGee's, Maricopa County Superior Court, State of Arizona, October 10, 2002.
- 8) Mitsch/Pazdernik v. Cameron Creek, Maricopa County Superior Court, State of Arizona, June 5, 2003 and September 10, 2003.
- 9) Price v. CityPlace PV, Inc., et al., Maricopa County Superior Court, State of Arizona, June 19, 2003 and September 30, 2003.
- 10) Robinson v. Boone Speedways, Inc., District Court for Boone County, Iowa, August 8, 2003.
- 11) Michalski v. We3, et al., Maricopa County Superior Court, State of Arizona, September 12, 2003.
- 12) Stokes v. Circle K, Maricopa County Superior Court, State of Arizona, July 16, 2004.
- 13) Heintz v. State of Arizona, Pima County Superior Court, State of Arizona, July 19, 2004, October 14<sup>th</sup>, 15, and 19<sup>th</sup>, 2004.
- 14) Wargo v. Maricopa County, Industrial Commission of Arizona, July 23, 2004 and August 13, 2004.
- 15) Moore v. Oak Park Apartments, United States District Court for the Western District of Tennessee, Western Division, July 28, 2004.
- 16) Medina/Gonzales v. Ranch Rescue Texas, et al., District Court, 229<sup>th</sup> Judicial District, Jim Hogg County, Texas, September 13, 2004.
- 17) Lois Giesel v. UpChurch Management Company, Inc., et al., United States District Court, Southern District of Florida, U.S. Magistrate Brown, November 9, 2004.
- 18) Alaeric Tevon Birge, a minor, by mother and next friend, Pheniqueski S. Mickens v. Dollar General Corporation, Dolgencorp, Inc., Tommy Lee Turley, Jeremy Garrett, Corey Richmond, United States District Court for the Western District of Tennessee, September 8, 2005.
- 19) Tiana Marie Grafitti-Valenzuela, by and through her parent and legal guardian Marie Grafitti v. City of Phoenix, a political subdivision of the State of Arizona, Maricopa County Superior Court, State of Arizona, September 22, 2005.
- 20) Kron v. Apartment Investment and Management Co., et al., Maricopa County Superior Court, State of Arizona, October 5, 2005.

- 21) Anderson v. Schnuck Markets, United States District Court, Western District, Tennessee Western Division, December 8, 2005.
- 22) Filip Petrovic v. CBNC, Inc., et al., Maricopa County Superior Court, State of Arizona, December 16, 2005.
- 23) Lever v. Pavilion Partners, L.L.C., et al., Maricopa County Superior Court, State of Arizona, February 24, 2006 and April 13, 2006.
- 24) Sheri Kay Dunlap, individually and as Administratrix of the Estate of Megan Leann Holden, deceased, and James Vincent Holden v. Wal-Mart Stores, Inc., and The Wackenhut Corporation, United States District Court for the Eastern District of Texas, Marshall Division, July 20, 2006.
- 25) The Estate of Crystal Ledesma by and through its Executrix, Maria L. Cogburn, Keoni Lee Ledesma-Beinto, by and through his Guardian ad Litem, Maria L. Cogburn, John Benito, and Michelle Piatt vs. Miguel Cano, a convicted felon, McDonald's Stanollie, McDonald's Restaurants of Nevada, Inc., McDonald's Corporation, Inc. a Delaware Corporation, Thomas M. and Linda Arlt, and Does I through XX, inclusive; and Roe Corporations, I through II, inclusive, District Court, Clark County, Nevada, August 25, 2006.
- 26) Teresa Day Chance v. AMLI/BMPT Breckenridge Partnership, AMLI Residential Properties, L.P., AMLI Residential Properties Trust & AMLI Management Company, in the United States District Court for the Eastern District of Texas, Marshall Division, September 14, 2006.
- 27) John Michael Son and Kathy Son the parents of Heather Suzanne Son, deceased, and as personal representatives of the Estate of Heather Suzanne Son vs. Realty Partners, Ltd., a Nevada Limited Partnership; Realty Partners Corporation, a Nevada Corporation; Property Management and Development Corporation, a Nevada corporation; Leo R. Frey and Jane Doe Frey, husband and wife; John Does I through X, inclusive, District Court, Clark County, Nevada, September 22, 2006.
- 28) Elaine Friedman, as next of kin for Robert Friedman, deceased v. Allright Corporation, a Delaware corporation, composed of Central Parking System of Memphis, Inc., a Tennessee Corporation, Central Parking of Tennessee, Inc., a Tennessee Corporation, Myron Zimmerman, Trustee for the Zimmerman Revocable Trust and Freeman Real Estate Company, Inc., a Tennessee Corporation, Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District of Memphis, October 18, 2006.
- 29) Katherine Gile Smith, a single woman v. Pillar Communities, L.L.C., an Arizona limited liability company; Pillar at Desert View, L.L.C., a Washington limited liability company; Does I through X; Black Corporations I-X, Maricopa County Superior Court, State of Arizona, December 5, 2006.

- 30) *E. E. v. Tannex Development Corp. d/b/a Hilton Resort and Marina, a Florida for profit corporation and Mark Jason Holmes, individually*, Circuit Court of the 16<sup>th</sup> Judicial Circuit, Monroe County, Florida Civil Division, May 25, 2007.
- 31) *Todd and Janna Childress, Individually and as Administrator of the Estate of Michael Childress, deceased v. The Cafaro Company, an Ohio Corporation, and/or d/b/a Kentucky Oaks Mall, Co., an Ohio Corporation, and National Security Consultants, Inc., an Ohio Corporation*, United States District Court for the Western District of Kentucky at Paducah, July 27, 2007.
- 32) *Larry Richard Finley and Sue Ellen Finley v. Kroger Company and Union Realty Company, G.P. and Argenbright Security, Inc.*, in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, August 9, 2007, a deposition and December 10, 2007, a trial.
- 33) *J.J. v. Hyatt Vacation Management Corp., d/b/a Hyatt Vacation Club, a Florida for profit corporation and Etta Elizabeth Bernhard, individual, d/b/a Majestic Security & Investigations and Mark Jason Holmes, individually*, in the Circuit Court of the 16<sup>th</sup> Judicial Circuit, in and for Monroe County, Florida, August 23, 2007 and September 20, 2007.
- 34) *Kelli L. Riding and Kent L. Riding v. McDonald's Corporation, McDonald's Restaurants of Tennessee, Inc., Broadmoor Investment Corp., and General Motors*, in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, January 7, 2008.
- 35) *Simmons v. Wal-Mart*, in the Circuit Court, Eighth Judicial Circuit in and for Alachua County, Florida, March 13, 2008.
- 36) *Ronald Crampton v. CBC Financial Corporation, a Nevada Corporation d/b/a Moulin Rouge Hotel Apartments and Desert Breeze Apartments, Inc.; Barton Maybie, Does I through X and Roe Corporations I through XX, inclusive*, District Court, Clark County, Nevada, March 17, 2008, a trial.
- 37) *Tommie Smith v. Target Corporation, Wackenhut Services, Incorporated, and Dayton-Hudson Corporation*, in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, April 11, 2008.
- 38) *The Estate of Lidia Giangrandi, by and through Lili Carissa Giangrandi, as Personal Representative of the Estate vs. 50 State Security Service, Inc., Loch Lomond Homeowners Association, Inc., Town of Miami Lakes and Miami-Dade County, Florida*, in the Circuit Court of the 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida, General Jurisdiction Division, April 24, 2008.
- 39) *Henry Lynn Vance by and through his Guardian, Wanda Susan Vance, and Wanda Susan Vance, individually vs. Eastview Terrace Limited Partnership; Monarch Properties, Inc. d/b/a Westmark Management Company; Cynthia Brown; Arthur Dean; Ron McCarty;*

- GCL Assets, III, LLC; GCL Holdings, LLC; Eastview-2004, LLC; American Community Developers; and John Does 1 through 10, in the Circuit Court of Pulaski County, Arkansas, Third Division, July 10, 2008.
- 40) Simmons v. Wal-Mart, in the Circuit Court, Eighth Judicial Circuit, in and for Alachua County, Florida, August 6, 2008.
- 41) Henry Lynn Vance by and through his Guardian, Wanda Susan Vance, and Wanda Susan Vance, individually vs. Eastview Terrace Limited Partnership; Monarch Properties, Inc. d/b/a Westmark Management Company; Cynthia Brown; Arthur Dean; Ron McCarty; GCL Assets, III, LLC; GCL Holdings, LLC; Eastview-2004, LLC; American Community Developers; and John Does 1 through 10, in the Circuit Court of Pulaski County, Arkansas, Third Division, August 22, 2008.
- 42) Patricia Krause and Steven Krause, her husband vs. Wal-Mart Stores, Inc. a foreign corporation, Wal-Mart Stores East, Inc., a foreign limited partnership, and National Security and Intelligence Agency, LLC a Florida limited liability corporation, in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, General Jurisdiction Division, September 11, 2008.
- 43) Jayant Patel and Rahki Patel v. Kuber-Patel Properties, LLC, an Arizona Limited Liability Corporation, d/b/a Sleep Inn; Alpha Corporations 1-10; Beta Entities 1-10; John/Jane Does 1-10, Maricopa County Superior Court, State of Arizona, November 18, 2008.
- 44) Bruce Northrup and Roberta Saltzberg, a married couple vs. Accor North America, Inc., a foreign corporation; Glasjar Property, LLC, a foreign limited liability company; Michelle Rene Smith and John Doe Smith, a married couple, Maricopa County Superior Court, State of Arizona, January 28, 2009.
- 45) Paul D. Plass v. Danver's, LLC., in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, March 11, 2009.
- 46) Beate Thelen and Jeorg Knoppke, vs. Davis Brothers Incorporated a/k/a Davis Brothers of Georgia, Incorporated d/b/a Howard Johnson Inn International Drive, in the Circuit Court of the Ninth Judicial Circuit, Orange County, Florida, June 22, 2009.
- 47) Patrick Scott and Joy Scott, husband and wife vs. The Scottsdale Plaza Resort, L.L.C., an Arizona Limited Liability Company; and State of Arizona, Maricopa County Superior Court, State of Arizona, December 17, 2009.
- 48) Nicholas Skiadiotis and Angie Skiadiotis vs. MGM Mirage, a Delaware corporation; Bellagio, LLC, a Nevada limited liability company, doing business as Bellagio; Mario Deandre Howard, individually; Roe corporations I through X, inclusive; and Does I through X, inclusive, District Court, Clark County, Nevada, January 20, 2010.

- 49) Jane Doe, Girl Doe, and Boy Doe v. Stamford Marriott Hotel and Spa, HD Realty Associates, LLC, Meyer Jabara Hotels, and Marriott International, Inc., Superior Court, Judicial District of Norwalk/Stamford at Stamford, Connecticut, January 29, 2010.
- 50) Patricia Krause and Steven Krause, her husband vs. Wal-Mart Stores, Inc. a foreign corporation, Wal-Mart Stores East, Inc., a foreign limited partnership, and National Security and Intelligence Agency, LLC a Florida limited liability corporation, in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, General Jurisdiction Division, March 19, 2010.
- 51) Frank Gumina, III, and Ellise Gumina, his wife vs. Morgans Hotel Group Co., a Delaware Corporation, Morgans Hotel Group, LLC, a Delaware Limited Liability Company, Aquiles Rodriguez, Mario Alcantara, Luis Varga, Jhoan Durd and George Calhous, in the Circuit Court in and for the 11<sup>th</sup> Judicial Circuit, Dade County, Florida, April 16, 2010.

### ***State of Tennessee, McClung Supreme Court Decision***

I was the Security Expert Engaged on the McClung Case That Changed Premises Liability Laws in the State of Tennessee, United States District Court for the Western District of Tennessee, Western Division, Roger L. McClung v. Delta Square Group, Inc., and Wal-Mart. Bruce S. Kramer, Esquire of Borod & Kramer, P.C. Mr. Kramer changed Tennessee law regarding premises liability related to third party criminal acts, which is now commonly referred to in Tennessee as the “McClung Law.

### ***Education, Designations and Certifications***

1967 and partial 1969 – attended Glendale Community College, Glendale, Arizona  
Business Administration and Police Science.

1969-1971 - Legal internships with two prominent Phoenix, Arizona law firms in civil and criminal litigation, specifically including premises liability.

1979- Arizona State University, Tempe, Arizona  
Center for Executive Development in business management principles and practices.

During my forty-year career, in the pursuit of my practice, I have completed in excess of 1500 hours of continuing education.

March 10, 2000 - Certified Security Executive (CSE). Certified by the Security Management Institute, Charlotte, North Carolina.

October 20, 2005 - International Crime Prevention Specialist (ICPS) tested and designated by the internationally and nationally recognized International Society of Crime Prevention Practitioners.

1970 – 2010 Continuing education seminars, lecturers, and webinars to include: security measures and devices, security tests, studies, industry authorities and publications regarding security, premises liability, standard of care, vulnerability and risk assessment to include the standards, guidelines, practices and recommendations of the private sector security industries.

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