

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes
March 3, 2011

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Office of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on March 3, 2011.

MEMBERS PRESENT

Edward Mercer, Chairman
Tracy J. Watwood, Police Officer
Daniel Triplett, Private Investigator
Mary Pedersen, Citizen at Large
Nicole H. Pang, Representing Attorney General
John L. Logdon, Private Investigator

OCCUPATIONS & PROFESSIONS STAFF

David Garr, Deputy Executive Director
Adriana Lang, Board Administrator

MEMBER ABSENT

Sheriff Kathryn H. Whitt

OTHERS PRESENT

Angela Evans, Board Counsel
Tommy Swango, KATF, KPIA

CALL TO ORDER

The Chairman, Mr. Mercer, called the meeting to order at 1:05 p.m.

APPROVAL OF MINUTES

The minutes of February 3, 2011 regular meeting was called to the attention of the members. A motion was made by Ms. Pedersen to approve the minutes, as presented. The motion, seconded by Mr. Triplett, carried unanimously.

FINANCIAL STATEMENTS

Ms. Evans informed the Board that she spoke with Mr. Grawe regarding his legal charges for the December meeting. Ms. Evans clarified that the legal fees for December 2010 are correct based on information provided by Mr. Grawe.

The Board reviewed the Financial Statements for the periods ending December 31, 2010 and February 28, 2011. A motion was made by Mr. Logsdon to approve the Financial Statements as presented. The motion, seconded by Ms. Pedersen, carried unanimously.

LICENSURE STATUS REPORT

The Board reviewed the Licensure Status Report as of March 3, 2011.

DIRECTOR'S REPORT

Mr. Garr provided the following report:

- 1) Ms. Tivitt is unable to attend today's meeting because she is attending a meeting at the Public Protection Cabinet.
- 2) Provided a copy of the Auditor's result along with the Recommendations for Public and Non-profit Boards. The Board discussed the necessity of creating a new Policy and Procedures Manual for new members. Mr. Garr suggested for the Board to also create a Mission Statement to be placed on the website. Ms. Pederson volunteered to draft a Mission Statement and stated that she will bring the draft to the next scheduled meeting for a Board review. Mr. Mercer asked the Board to review the Recommendations for Public and Non-profit Boards' document and to prepare for discussion at the April 2011 meeting. Mr. Garr stated the Auditors asked a lot of questions during the auditing process and wanted to confirm actions and answers in writing.

DIRECTOR'S REPORT CONTINUED

3) The Memorandum of Agreement between the Kentucky Board of Licensure for Private Investigators and the Office of Occupations and Professions is finalized. An allotment increase is not required for the Kentucky Board of Licensure for Private Investigators.

ATTORNEY'S REPORT/ LEGAL MATTERS

Ms. Evans provided the following report:

- 1) 201 KAR 41:100 will go into effect sometime in March 2011. She will follow up with the Legislative Research Commission (LRC).
- 2) Provided a copy of a memo she drafted regarding the 201 KAR 42:100. The Board reviewed and suggested amendments to the draft.
- 3) She was unable to find the e-mail from Ms. Sowinski. She will look again and send the appropriate response.
- 4) E-mail from Steve Catt. Mr. Logdon recused himself from any discussion. Ms. Pedersen made a motion for Ms. Evans to send a response to Mr. Catt informing him that he is required to obtain a private investigator license to work in the Commonwealth of Kentucky. The motion, seconded by Mr. Triplett, carried.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 10:00 a.m. Mr. Pedersen provided the following recommendations:

Mr. Triplett recused himself from complaint 09-004 and left the room at 11:15 a.m.

09-004- Waiting for cease and desist affidavit response. Case is ongoing.

10-003- Waiting for cease and desist affidavit response. Case is ongoing.

10-005- Dismiss for lack of violation. Case is closed.

Mr. Pedersen made a motion to accept the Complaint Committee Report, as presented. The motion, seconded by Mr. Logsdon, carried unanimously.

NEW BUSINESS

Mr. Swango was present. He provided the Board information regarding the KPIA 2011 Seminar.

Mr. Swango informed the Board that he was contacted by an FBI agent that wanted to obtain approval from the KPIA. He stated that the KPIA had not approved the request. He also stated that the individual contacted the person office and was not satisfied with the response and requirements per regulation. Ms. Evans stated that if any individual is not satisfied with staff responses, the individual should submit their information in writing to the full Board. Ms. Lang clarified that information given to the caller was based on 201 KAR 41:070 Section 3 (a) and(c) and 201 KAR 41:040 Section 9.

Mr. Swango discussed KRS 329A.095 The Board clarified the statute. Mr. Mercer recommended the Board to work with the private investigators professional associations to get legislation to eliminate KRS 329A.070 (9). Ms. Evans clarified that each licensee will be responsible for any employee hired who uses individual under the 240 Rule. The Board suggested to Mr. Swango to turn unlicensed activities to the Board office so the Complaint Committee can review it and make recommendations to the full Board. Mr. Swango thanked the Board for their time.

NEW BUSINESSCONTINUED

The Board reviewed informational correspondence from Nicole Spears regarding examples of harm.

APPLICATION REVIEW COMMITTEE REPORT

The application Committee met at 10:00 a.m. Mr. Watwood provided the following report:

INDIVIDUALS APPROVED WITH PROVISIONS: *Ronalds Campbell, Joe Coboon, Schuyles Denbam, John Hay, Christopher Isenbart, Nathan Kinnison, George Marinakis, Benjamin Miller, Harols Noe, Don Parker, Pamela Randon, Michael Scheper, Steve Spurlock and Matbew Valentine.*

A motion was made by Ms. Pedersen to approve with provisions above names. The motion, seconded by Mr. Logdon, carried unanimously.

INDIVIDUALS DEFERRED: *Logan Bowers, Donald Ledley, Robert Murray and Jenna Parisi.*

A motion was made by Mr. Logdon to defer the above names. The motion, seconded by Mr. Triplett, carried unanimously.

COMPANIES APPROVED WITH PROVISIONS: *Resprivata Enterprise, Inc.*

A motion was made by Ms. Pedersen to defer the above company. The motion, seconded by Mr. Triplett, carried unanimously.

COMPANY DEFERRED: *Superior Investigative Services, Inc.*

A motion was made by Mr. Triplett to defer the above companies. The motion, seconded by Ms. Pedersen, carried unanimously.

TRAVEL AND PER DIEM

A motion was made by Mr. Watwood to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Logdon, carried unanimously.

ADJOURNMENT

The Chairman, Mr. Mercer informed the Board that the next meeting is scheduled for Thursday April 7, 2011 at 1:00 p.m., the Application Review Committee Meeting at 10.00 a.m. Having no further business to be brought before the Board, a motion was made by Mr. Logdon to adjourn. Motion seconded by Mr. Watwood, carried unanimously. The meeting adjourned at 2:08 p.m.

APPROVED