

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes

September 3, 2009

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 September 3, 2009.

MEMBERS PRESENT

Roger McDonald, Chairman
Craig Newbern, Attorney General's Counsel
Edward Mercer, Private Investigator
Mary Pedersen, Citizen at Large
Daniel Triplett, Private Investigator

OCCUPATIONS & PROFESSIONS STAFF

Frances Short, Executive Director
Adriana Lang, Board Administrator

MEMBERS ABSENT

Kathryn Witt, Sheriff

OTHERS PRESENT

Angela Evans, Board Counsel

CALL TO ORDER

The Chairman, Mr. McDonald, called the meeting to order at 1:20 p.m.

APPROVAL OF MINUTES

The minutes of August 6, 2009 meeting was called to the attention of the members. A motion was made by Mr. Mercer to approve the minutes as presented. The motion, seconded by Ms. Pedersen, carried.

FINANCIAL STATEMENTS

The Board reviewed the Financial Statements indicating the balances \$142,358.35 of the end of the year, and \$106,165.06 from July 1, 2009 to July 31, 2009. A motion was made by Ms. Mercer to accept the Financial Statements. The motion, seconded by Newbern, carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report as of September 3, 2009.

DIRECTOR'S REPORT

Ms. Short informed the Board that the old website has been taken down and the new website is active.

Ms. Short provided the Board a copy of the Monthly Activity Report from Schroeder Measurement Technology (SMT). She also advised the Board that she sent an e-mail to SMT inquiring about the exam center locations and that she is waiting for a response.

The Board asked questions related to the new online renewals with Kentucky Interactive. Ms. Short explained that the process is still ongoing and that once it is finalized it will be brought before each Board for a review and approval. The Board expressed concerns about the online processing as well as the new print out ID Cards. The Board discussed the possibility of making some changes to the current ID cards and vendor. Mr. Mercer requested to have a meeting with the current vendor for discussion of a possible new card design and fees. Additionally, the Board inquired whether they could hire an outside vendor to handle their cards. Ms. Short stated that she would contact the current vendor to invite them to attend the next scheduled Board meeting. She also stated that she believed that the Board should be able to choose their vendor. The Board appointed Mr. Mercer and Mr. Triplett as their new ID Card Committee, and assigned Mr. Mercer and Mr. Triplett to research new companies that issue cards, and to work on a new design for the new ID card.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 10:00 am.

09-002 Mr. Mercer made a motion for Ms. Evans to send a Cease and Desist letter and an Agreed Order. The motion, seconded by Mr. Newbern, carried. The complaint is ongoing.

Mr. Mercer made a motion for Ms. Evans to send a letter to Michael Kessler and Kessler International advising that any company or individual that wish to advertize private investigating business in the Commonwealth of Kentucky shall be licensed pursuant to KRS 329A.015. The motion, seconded by Mr. Newbern, carried.

The Board discussed the investigative procedures for ongoing complaints. Ms. Short advised the Board that the Office of Inspector General (OIG) currently conduct investigations for the Boards under the Office of Occupations and Professions for a \$35.00 per hour fee. Ms. Short also informed the Board that the Kentucky Bureau of Investigation (KBI) no longer conduct investigations for the Boards under the Office of Occupations and Professions.

The Chairman, Mr. McDonald, suggested for the Board to create a written complaint procedures policy. Ms. Evans stated that she would create a spreadsheet for the Complaint Committee.

ANGELA EVANS/ LEGAL MATTERS

Ms. Evans informed the Board she will complete the Board pending letters by the next scheduled meeting.

Ms. Evans provided the Board an update on the California background check Laws and Regulations. Mr. Mercer stated that he spoke with a person regarding that matter and he was advised that the Board has to send a letter requesting to be added as a recipient member of the California background check. Mr. Mercer made a motion for Ms. Evans to send a letter to the Private Investigator Board/ Attorney General in California requesting permission to add the Kentucky Board of Licensure for Private Investigators as a member recipient of their official state background check. The motion, seconded by Mr. Triplett, carried.

Ms. Evans provided the Board the following report from the Kentucky Professional Investigators Association (KPIA) meeting.

- 1) The KPIA expressed concerns of members of the Board being members of a same private investigator company
- 2) Ms. Evans informed the KPIA that there is a current position with the Board; however, she explained that the KPIA Board of Directors does not qualify for the vacancy because they hold a leadership role with the association.
- 3) Discussed the Board's complaint procedures.
- 4) Discussed KRS 329A.070 (9).
- 5) Discussed attorney/paralegal vs. private investigator work.

Ms. Pedersen made a motion for Ms. Short to send a letter to the Governor's Office outlining the subject of having private investigators that works for the same private investigating company, being appointed as Board members. The motion, seconded by Mr. Mercer, carried.

OLD BUSINESS

The Board reviewed a correspondence from Phillip Rowe/Birdseye Investigations, LLC. regarding his pending applications' status. Mr. Mercer made a motion for Ms. Evans to send Mr. Rowe a letter advising him that his applications has been deferred pending receipt of his California background check, and to advise him that is his responsibility to provide the Board all documents as required by the Board. The motion, seconded by Mr. Triplett, carried.

OLD BUSINESS CONTINUED

The Board requested staff members to look into availability for a Board Retreat/Special Board Meeting for December 10-11, 2009, at any of the following state parks: Lake Barkley State Resort Park, Kentucky Dam Village or Kenlake State Resort Park. Furthermore, the Board authorized staff members to schedule a Special Board Meeting on 12/10/2009, and a Board Retreat on 12/11/2009, preferably at Lake Barkley Resort Park. The Board agreed that the Special Board and Retreat will be for the sole purpose of discussion and drafting of new language for amendments of their Laws and Regulations.

NEW BUSINESS

The Board reviewed an e-mail from John Price regarding private investigators roles. Mr. Mercer made a motion for Ms. Evans to send a response to Mr. Price. The motion seconded, by Mr. Triplett, carried.

The Board reviewed information regarding the International Association of Security and Investigative Regulators (IASIR) November 11-13, 2009 Conference. Ms. Pedersen made a motion to approve travel expenses for Mr. Newbern, Mr. Mercer, Mr. McDonald, Ms. Evans, Ms. Short and their administrator, to attend the IASIR 2009 Conference. The motion, seconded by Mr. Triplett, carried. The Board asked if there was a limit of how many members/staff members could travel. Ms. Short responded that there is no limit as long as the travel is for Board business.

Mr. Newbern spoke with Janet Graham via e-mail during today's meeting. He asked her if there was interest in having our Board discuss prosecutions of violations of our statute. Mr. Newbern informed the Board that Ms. Graham invited the Board to attend a meeting of the Prosecutors' Advisory Council.

APPLICATION REVIEW COMMITTEE

The Applications Review Committee met at 10:00 am.

Mr. Mercer made a motion to approve the applications with provisions as follows. The motion, seconded by Ms. Pedersen, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *Brad Cason, Lukas Saint-Clair and Daniel Washington.*

Mr. Mercer made a motion to defer the application as follows. The motion, seconded by Mr. Triplett, carried.

INDIVIDUAL DEFERRED: *Phillip Rowe.*

Mr. Mercer made a motion to approve the company application as follows. The motion, seconded by Mr. Triplett, carried.

COMPANY APPROVED: *Providential Investigations, LLC.*

Mr. Mercer made a motion to defer the company application as follows. The motion, seconded by Mr. Triplett, carried.

COMPANY DEFERRED: *Birdseye Investigations, LLC., and Patrick L. Bosco and Associates, LTD.*

Mr. Mercer made a motion to approve the continuing education application as follows. The motion, seconded by Ms. Pedersen, carried.

CONTINUING EDUCATION: *David Vine Associates, LLC./Internet for Investigators Workshop.*

Mr. Mercer made a motion to approve the company name change application as follows. The motion, seconded by Ms. Pedersen, carried.

COMPANY OLD NAME: *Cheaters Detective Agency of Louisville DBA Kyana Surveillance Specialists* NEW NAME: *Kyana Surveillance Specialists, LLC.*

Mr. Mercer made a motion to defer the inactive renewal application as follows. The motion, seconded by Ms. Pedersen, carried.

INACTIVE RENEWAL: *Lloyd M. Helmuth.*

APPLICATION REVIEW COMMITTEE CONTINUED

Mr. Mercer made a motion to approve the reinstatement application as follows. The motion, seconded by Mr. Newbern, carried.

REINSTATEMENT: *Ryan Willis*.

TRAVEL AND PER DIEM

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

ADJOURNMENT

The Chairman, Mr. McDonald, informed the Board that the next meeting is scheduled for Thursday, October 1, 2009, at 1:00 p.m., the Application Review Committee Meeting at 11:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Mercer to adjourn. Motion seconded by Ms. Pedersen, carried. The meeting adjourned at 3:20 p.m.

APPROVED