

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes

December 16, 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 December 16, 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
Kathryn Witt, Sheriff
John L. Logdon, Private Investigator

OCCUPATIONS & PROFESSIONS STAFF

Frances Short, Executive Director
David Garr, Deputy Executive Director
Adriana Lang, Board Administrator
Janet Cox, Administrative Specialist III

OTHERS PRESENT

Angela Evans, Board Counsel

CALL TO ORDER

The Chairman, Mr. McDonald, called the meeting to order at 1:10 p.m.

OATH OF THE OFFICE

Ms. Cox administered the Oath of the Office to the new member John L. Logdon, Jr. The Board welcomed Mr. Logdon.

APPROVAL OF MINUTES

The minutes of October 27, 2009 Special Meeting was called to the attention of the members. A motion was made by Mr. Mercer to approve the minutes as amended. The motion, seconded by Ms. Witt, carried.

FINANCIAL STATEMENTS

The Board reviewed the Financial Statements indicating the balance \$109,411.28 from July 1, 2009 to October 31, 2009 and \$106,165.06 from July 1, 2009 to November 30, 2009. A motion was made by Ms. Mercer to accept the Financial Statements. The motion, seconded by Ms. Pedersen, carried. Mr. McDonald asked staff members if the Board's account received a credit for Mr. Mercer's registration fee for International Association of Security and Investigative Regulators (IASIR) 2009 Conference. Ms. Ellis informed the Board that the fee has been re-deposited to the Board's account.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report as of December 16, 2009.

DIRECTOR'S REPORT

Ms. Short provided the following information:

- 1) E-mail from Schroeder Measurement Technologies (SMT) regarding the Monthly Report.
- 2) E-mails regarding ID cards and new printer. Ms. Short informed the Board that the Office of Occupations and Professions' Information Technology (IT) person suggested to the Boards under the office that requires ID cards by Laws or Regulations, to purchase a printer to print the ID cards, split the cost between the three Boards, instead of renewing the contract with the current contractor. Additionally, she stated that the current contract will expire October 31, 2010; however, if the Boards wish, they could terminate the current contract prior to its expiration date without any penalties. The Board questioned about the cost of the printer, Ms. Short answered that it would be approximately \$1,500.00 for each Board. Ms. Short also stated that the other two Boards involved accepted the suggestion and agreed to share the cost. The Board asked Ms. Short to bring more detailed information about the printer, costs, maintenance fee and samples of the new IDcard to the next scheduled meeting. Furthermore, the Board authorized their ID Card Committee (Mr. Triplet and Mr. Mercer) to meet with Ms. Short on 01/07/2009 at 9:00 am to review information regarding the new ID card, and to bring an update to the next scheduled Board meeting. The Board decided to table any decision regarding the ID cards.

ANGELA EVANS/ LEGAL MATTERS

Ms. Evans provided the following report:

Hearings:

- 1) Charlene Moriarty provided proof of insurance. Her renewal application is approved. Case closed.
- 2) Found language for new regulations, will bring it to the next scheduled meeting.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 11:00 a.m.

09-002- Cease and desist affidavit is signed and received. Ms. Pedersen made a motion to close the complaint. The motion, seconded by Mr. Mercer, carried. The complaint is closed.

09-003- Due to the complaint being filed anonymously, Mr. Mercer made a motion for Ms. Evans to send a letter to the subject of the complaint, informing the owner that a private investigating company and any of its employees conducting investigations in Kentucky must be licensed by the Board. The motion, seconded by Ms. Witt, carried. The complaint is ongoing.

09-004- Mr. Triplett recused himself from the case. Mr. Mercer made a motion for Ms. Evans to send a cease and desist letter. The motion, seconded by Ms. Witt, carried. The complaint is ongoing.

OLD BUSINESS

The Board reviewed a copy of the current Reciprocal Agreement with the State of Tennessee and a copy of the Public Act 2009 Senate Bill No. 803 along with Tennessee's "Limited License Recognition". Ms. Lang informed the Board that she spoke with Tennessee's Board Administrator and that she was informed of Senate Bill No. 803. Mr. Logdon expressed concerns about the "Limited License Recognition". The Board discussed the matter. Mr. Mercer made a motion for staff members to contact Tennessee's Licensure Board to ask them to clarify their inquiry and to suggest them to submit it in writing to the Board office. The motion, seconded by Mr. Triplett, carried.

Ms. Evans, Ms. Short and Ms. Lang provided the Board reports of the IASIR 2009 Conference and thanked the Board for giving them the opportunity to attend the conference.

NEW BUSINESS

The Board reviewed correspondences from Jimmie Hawke from Binary Intelligence Technology requesting exemption of licensure for Computer Forensics. After a lengthy discussion, the Board agreed that based on position description provided by Mr. Hawke, exemption of licensure is granted. Mr. Mercer made a motion for Ms. Evans to send a letter to Mr. Hawke in response. The motion, seconded by Ms. Witt, carried. Furthermore, the Board agreed to determine if a Computer Forensic is exempt from licensure on a case by case basis after the Board reviews their position description.

The Board reviewed information from the Fiscal Section regarding renewal payment cancellation for Carla Engle license #0272 Ms. Pedersen made a motion for Ms. Evans to send a cease and desist letter to Ms. Engle along with a notice of hearing. The motion, seconded by Mr. Mercer, carried. Ms. Pedersen made a motion to suspend Ms. Engle license # 0702 until her hearing takes place. The motion, seconded by Mr. Logdon, carried.

The Board scheduled their 2010 Board Meeting dates as follows: **January 7, February 4 , March 4, April 7, May 6, June 3, July 1, August 18, September 2, October 7, November 4, December 8.**

APPLICATION REVIEW COMMITTEE

The Applications Review Committee met at 10:00 am.

APPLICATION REVIEW COMMITTEECONTINUED

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

INDIVIDUALS APPROVED WITH PROVISIONS: *David Alessi, Aaron Browning, Jason Browning, Sue Clayborn, Ronald Dunn, John Fice, Salvatore Grasso, James Grimes, Henry Hill, Benjamin Hicks, Freeman Howard, , William Maples, Chad McCain, James Wilder, Jarrod Whipker and Tammy Wolfley.*

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

INDIVIDUAL DEFERRED: *David Giles, Heather Jiles and John Kennedy*

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

COMPANY APPROVED WITH PROVISIONS: *LP Innovations, Inc. and Professional Investigations, Inc.*

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

COMPANY DEFERRED: *Metro Private Investigations, Inc.* pending individual's application approval.

Mr. Mercer made a motion to approve the company reinstatement as follow. The motion, seconded by Ms. Pedersen, carried.

COMPANY REINSTATEMENT: *Donan Engineering Company, Inc.*

Mr. Mercer made a motion to approve the individual reinstatement as follow. The motion, seconded by Ms. Pedersen, carried.

INDIVIDUAL REINSTATEMENT: *William Stewart.*

Mr. Mercer made a motion to defer the individual renewals as follows. The motion, seconded by Ms. Pedersen, carried.

INDIVIDUAL RENEWALS: *Lloyd Helmutb and Mark Murphy.*

TRAVEL AND PER DIEM

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

ADJOURNMENT

The Chairman, Mr. McDonald, informed the Board that the next meeting is scheduled for Thursday, January 7, 2010, 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. Mercer to adjourn. Motion seconded by Mr. Triplett, carried. The meeting adjourned at 3:30 p.m.

APPROVED