

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes

March 16, 2010

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 16, 2010.

MEMBERS PRESENT

Edward Mercer, Chairman
Roger McDonald, Police Officer
Daniel Triplett, Private Investigator
John L. Logdon, Private Investigator
Mary Pedersen, Citizen at Large

OCCUPATIONS & PROFESSIONS STAFF

Frances Short, Executive Director
David Garr, Deputy Executive Director
Jeff Boler, Resource Management Analyst
Adriana Lang, Board Administrator

MEMBERS ABSENT

Craig Newbern, Attorney General's Counsel
Kathryn Witt, Sheriff

OTHERS PRESENT

Angela Evans, Board Counsel
Larry Fore, Unified Investigations
Greg Beam, Winchester Fire Department

CALL TO ORDER

The Chairman, Mr. Mercer, called the meeting to order at 1:00 p.m.

PLAQUE

Ms. Lang presented a plaque to Mr. McDonald on behalf of the Board. Mr. McDonald thanked the Board for the plaque.

APPROVAL OF MINUTES

The minutes of February 4, 2010 regular meeting was called to the attention of the members. A motion was made by Ms. Pedersen to approve the minutes as amended. The motion, seconded by Mr. McDonald, carried.

FINANCIAL STATEMENTS

The Board reviewed the Financial Statement indicating the balance \$106,165.06 from July 1, 2009 to February 28, 2010. A motion was made by Ms. Pedersen to accept the Financial Statement. The motion, seconded by Mr. Triplett, carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report as of March 16, 2010.

DIRECTOR'S REPORT

Mr. Garr provided the Board the following report:

1) The ID card printer is in. Mr. Boler provided sample of the new ID cards and explained each feature listed on the card, he also made a recommendation to add the Chairman or Director's signature as a secure feature to the new card. Mr. Logdon made a motion to accept the new cards with the addition of the Chairman's signature. The motion, seconded by Mr. Triplett, carried. The Board agreed to not add the licensee's physical characteristics to the new ID cards until they change by regulations the renewal and reinstatement forms.

2) Provided a Monthly Activity Report from Schroeder Measurement Technologies (SMT). The Board asked for an update on the exam sites available in the Commonwealth of Kentucky. Mr. Garr stated that he would follow up with SMT and bring a report to the next scheduled meeting.

ANGELA EVANS/ LEGAL MATTERS

Ms. Evans provided the following report:

1) Terri Russell complied with all licensure requirements. Mr. McDonald made a motion to approve Ms. Russell's application. The motion, seconded by Ms. Pedersen, carried.

ANGELA EVANS/ LEGAL MATTERS CONTINUED

2) Katina Acuff provided proof of insurance, case closed.

3) E-mail from Lou Caprino regarding security license in Kentucky. The Board requested Ms. Evans to send an e-mail in response to Mr. Caprino stating that the State of Kentucky does not regulate Security Guards and to refer him to the Kentucky State Police office.

4) E-mail from Douglas Hallock regarding definition of “private investigating”. The Board requested Ms. Evans to send a letter in response to Mr. Hallock’s questions.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 11:00 a.m. Mr. Triplett recused himself from complaint #09-004. Ms. Pedersen provided the following report and recommendations:

- 09-002 and 10-001 are combined. The committee requested Ms. Evans to send a letter to the individuals involved requesting them to attend the next Complaint Committee Meeting. This case is ongoing.
- 09-004- Waiting for a response from the cease and desist letter. This case is ongoing.
- 09-005- Payment received. Case is ongoing.
- 10-002- Mr. McDonald made a motion to dismiss complaint 10-002 for insufficient information. The motion, seconded by Mr. Triplett, carried.

OLD BUSINESS

Mr. Garr informed the Board that he contacted a Legislator to inquire sponsorship for the new Bill. He also stated that he communicated with Mr. Mercer and was informed that after a further research the Board agreed to not pursue with the Bill at this time. Furthermore, Mr. Mercer suggested to create a Laws and Regulations Committee to work on new Laws and Regulations including the 240 hour issue, to create a form incorporated by regulation for private investigators to report when using an unlicensed individual under the KRS 329A.070 (9), and to address the Board’s authority to request background checks from applicants that resides or have resided outside of Kentucky for the past five years.. The Board nominated Mr. McDonald, Mr. Pedersen and Mr. Triplett as the Laws and Regulations Committee. The Board nominated Mr. Triplett Chairman of the Committee. The Laws and Regulations Committee agreed to meet on April 6, 2010 at 12:00 p.m. at the Office of Occupations and Professions 911 Leaward Drive, Frankfort Kentucky.

Mr. Logdon Expressed concerns about not having an ongoing field investigator to police unlicensed private and fire investigators working in the Commonwealth of Kentucky. The Board responded by explaining the unlicensed and licensed complaint procedures, and suggested to Mr. Logdon to speak to the county attorney which those individuals are practicing and encourage them to file formal complaints with the Board. Ms. Evans and Mr. Triplett emphasized the complaint procedures.

Mr. Logdon questioned if the National Association of Fire Investigators and the International Association of Arson Investigators, Inc. were approved by regulation as continuing education providers. Staff members explained that the International Association of Arson Investigators, Inc. is not listed on 201 KAR 17:070 (2). Mr. Logdon expressed concerns regarding the matter and affirmed that the Board had previously approved the associations. Mr. Fore and Mr. Beam introduced themselves as supporters and representatives of the National Association of Fire Investigators and the International Association of Arson Investigators, Inc. After further discussion, Mr. Triplett made a motion to interpret 201 KAR 17:070 Section 2 (5) as *National Association of Fire Investigators and the International Association of Arson Investigators, Inc.* The motion, seconded by Mr. McDonald, carried. Mr. Fore stated the he would inform the association of the Board’s complaint procedures.

NEW BUSINESS

The Board reviewed a correspondence from the International Association of Security and Investigative Regulators (IASIR) regarding the annual membership renewal. Mr. Triplett made a motion to approve the IASIR membership. The motion, seconded by Mr. Logdon, carried.

The Board reviewed a correspondence from Tom Loos regarding the Kentucky Society of Professional Investigators (KSPI), and the Kentucky League of Licensed Investigators (KLLI). The Board requested their Administrator to send two letters in response. One letter to Mr. Loos, to thank him for the information regarding the KSPI and to invite him to attend the next scheduled meeting to discuss information regarding the KLLI. The second letter to Mr. Dale Dorning, to make him aware of the information received and to ask for clarification as to the KSPI association status.

The Board reviewed an e-mail from Brian Taylor regarding retainer fees. The Board requested Ms. Evans to send an e-mail in response, to inform him the Board's statute do not address retainer fees.

The Board reviewed e-mails from Dave Head regarding Computer Forensics Examiners. The Board requested their Administrator to send an e-mail in response, stating that the Board agreed that based on the specific position description and information provided by Mr. Head, his profession follows under the KRS 329 A.; therefore, he is required to hold a private investigator license to practice within the Commonwealth of Kentucky.

The Board reviewed an e-mail from Tommy Swango regarding the Kentucky Professional Investigators Association (KPIA) May 2010 Training Seminar. Mr. McDonald made a motion to send Mr. Logdon to the KPIA 2010 Seminar as a representative of the Board and to approve his travel expenses. The motion, seconded by Ms. Pedersen, carried.

The Board discussed the possibility of changing the finger print procedures in order to avoid licensure delays. Mr. Mercer asked the Board to think about the matter for future discussion.

APPLICATION REVIEW COMMITTEE

The Applications Review Committee met at 11:00 am.

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

INDIVIDUALS APPROVED WITH PROVISIONS: *Joseph Bowman, Stephen Corbin, Aaron Dowan-Hardin, Mark Graham, Anthony May, Amanda Reinhart, Joe Rice, Christopher Rogers, Josh Skripac, Carl Sopranik, Rebecca Sutton, Tammy Taylor and MacGregor Wright.*

Mr. McDonald made a motion to approve the applications via reciprocity as follows. The motion, seconded by Ms. Pedersen, carried.

INDIVIDUALS APPROVED VIA RECIPROCITY: *Heather Jiles and Terri Russell.*

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

INDIVIDUAL DEFERRED: *Daniel Kovacic.*

COMPANIES APPROVED WITH PROVISIONS: *Bluegrass Private Investigations, Inc. and PSCPS, Inc.*

TRAVEL AND PER DIEM

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

ADJOURNMENT

The Chairman, Mr. Mercer informed the Board that the next meeting is scheduled for Wednesday, April 7, 2010, at 1:00 p.m., the Application Review Committee Meeting at 11:00 a.m. Having no further business to be brought before the Board, a motion was made by Ms. Pedersen to adjourn. Motion seconded by Mr. Triplett, carried. The meeting adjourned at 3:00 p.m.

APPROVED