

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes

March 5, 2009

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on March 5, 2009.

MEMBERS PRESENT

Roger McDonald, Chairman
Craig Newbern
Edward Mercer
Mary Pedersen
Daniel Triplett

OCCUPATIONS & PROFESSIONS STAFF

Frances Short, Division Director
Susan Ellis, Fiscal Section Supervisor
Adriana Lang, Board Administrator

MEMBERS ABSENT

Kathryn Witt

OTHERS PRESENT

Angela Evans, Attorney
John Logdon
Bill Lilly
Moses McDonald

CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes of the February 5, 2009 meeting was called to the attention of the members. A motion was made by Mr. Edward Mercer to approve the minutes. The motion, seconded by Mr. Craig Newbern, carried.

FINANCIAL STATEMENT

The Board reviewed the Financial Statement indicating the balances of \$142,358.35 from July 1, 2008 to January 31, 2008. A motion was made by Mr. Edward Mercer to accept the Financial Statement. The motion, seconded by Ms. Mary Pedersen, carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report as of March 5, 2009.

DIRECTOR'S REPORT

Ms. Frances Short provided the Board a draft of a correspondence regarding the Scoring Reporting and suggested that the Board schedule a SME Focus Group meeting to review and update the private investigator Study Guide. Ms. Mary Pederson made a motion to accept Ms. Short correspondence language as amended, and to schedule a SME Focus Group meeting to develop a new Study Guide. The motion, seconded by Mr. Danny Triplett carried. The Board scheduled the SME Focus Group meeting for March 23, 2009 at 10:00am at the Division of Occupations and Professions.

Mr. Short informed the Board that the Public Protection Cabinet is currently working on moving the Board's website from the Finance Cabinet to the new cabinet. Ms. Short stated that she will keep the Board informed once the website transition is complete.

ANGELA EVANS/ LEGAL MATTERS

Ms. Angela Evans provided the Board the following updates:

- 1) Whitehall Bureau, Inc./Brian Finney- Have not received any response. Ms. Evans advised the Board to wait to receive a new complaint to move forward with the injunction.
- 2) Robert Wilson pre-hearing conference correspondence came back from the post office marked undeliverable.

OLD BUSINESS

The Board reviewed a correspondence from Mr. Michael Mann requesting an appeal. Mr. Edward Mercer made a motion for their administrator to send a letter to Mr. Mann requesting him to appear before the next scheduled Board meeting on April 2, 2009. The motion, seconded by Mr. Craig Newbern, carried.

The Chairman, Mr. Roger McDonald, thanked the Board members for all their work as Board members. Mr. McDonald also reminded the Board members that if they receive inquiries regarding the licensure procedures or licensing questions, to forward those inquiries to the Board Administrator or the Division's Director.

The Board nominated the following:

Application Review Committee: Mr. Roger McDonald and Mr. Edward Mercer.

Complaint Review Committee: Ms. Mary Pedersen, Mr. Daniel Triplett and Mr. Craig Newbern.

The Board agreed to defer the nominations for the Continuing Education Committee and until their July 2, 2009 Board meeting.

Ms. Edward Mercer made a motion to authorize Mr. Mercer and Mr. Newbern to contact the state of Florida to inquire about their continuing education regulations and requirements. The motion, seconded by Ms. Mary Pedersen, carried. Mr. Mercer and Mr. Newbern contacted the state of Florida and verified that the American Bar Association is approved by their Board as a Private Investigator Continuing Education Provider. The Board moved to accept any continuing education provided by the American Bar Association as long as it is related to the private investigator profession.

NEW BUSINESS

The Board reviewed correspondences from the American Bar Association. Mr. Edward Mercer made a motion to table the correspondences to the next scheduled meeting. The motion, seconded by Mr. Daniel Triplett, carried.

The Board reviewed correspondence from Ms. Charlotte Bellew requesting termination of her private investigator license number 0435. Ms. Mary Pedersen made a motion to approve Ms. Bellew's request. The motion, seconded by Mr. Craig Newbern, carried.

The Board reviewed a letter of board member resignation from Mr. Gary Tinker. Mr. Edward Mercer made a motion to accept Mr. Tinker's resignation. The motion, seconded by Ms. Mary Pedersen, carried. The Board voted unanimously to send a plaque to Mr. Gary Tinker.

The Board reviewed a correspondence from Mr. Gary Tinker requesting termination of his private investigator license number 0063. Ms. Mary Pedersen made a motion to accept Mr. Tinker's request. The motion, seconded by Mr. Edward Mercer, carried.

NEW BUSINESS CONTINUED

Mr. John Logdon asked the Board of an update on a new draft statute regarding the elimination of the KRS.329A070 (9). The Board informed Ms. Logdon that the new statute draft is finalized, however, they did not know if the bill had been filed by this session's deadline. The Board discussed the possibility of working with their professional association to draft new statute to file with the Legislative Research Commission (LRC) by their next session.

Mr. John Logdon asked the Board if an individual that is not licensed is fined by one county if it is double jeopardy to be fine by a different county. After an extensive discussion, the Board advised Mr. Logdon that it would be best for him to get an opinion from the Kentucky professional associations.

APPLICATION REVIEW COMMITTEE

Mr. Edward Mercer gave the following report from the Applications Review Committee. Mr. Edward Mercer made a motion to approve the applications committee recommendations. The motion, seconded by Mr. Daniel Triplett, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *Ryan Cox, Daniel Churchward, Kelly Fentress and Richard Vicars.*

INDIVIDUALS APPROVED BY RECIPROCITY: *Lafayette Gwin and Benjamin Reddick.*

DEFERRED: *Peter Kobnen and Benjamin Reddick.*

COMPANY RENEWAL DENIED: *Confidential Investigations, Inc.*

TRAVEL AND PER DIEM

A motion was made by Mr. Edward 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. Mary Pedersen, carried.

ADJOURNMENT

The Chairman, Mr. Roger McDonald informed the Board that the next meeting is scheduled for Thursday, April 2, 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. Edward Mercer to adjourn. Motion seconded by Ms. Mary Pedersen, carried. The meeting adjourned at 2:25 p.m.

APPROVED