

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes
July 7, 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 July 7, 2011.

MEMBERS PRESENT

Edward Mercer, Chairman
Mary Cope Halmhuber, Citizen at Large
Sheriff Kathryn H. Whitt
Daniel Triplett, Private Investigator
John L. Logdon, Private Investigator

OCCUPATIONS & PROFESSIONS STAFF

Jeremy Horton, Deputy Executive Director
Adriana Lang, Board Administrator

MEMBER ABSENT

Tracy J. Watwood, Police Officer
Nicole H. Pang, Representing Attorney General

OTHERS PRESENT

Angela Evans, Board Counsel

CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes of June 9, 2011 regular meeting was called to the attention of the members. A motion was made by Ms. Halmhuber to approve the minutes, as presented. The motion, seconded by Mr. Logdon, carried unanimously.

FINANCIAL STATEMENT

The Board reviewed the Financial Statements for the period ending June 30, 2011. The Board requested a copy of the first page of the Financial Statement and tabled the approval until the next scheduled Board meeting.

LICENSURE STATUS REPORT

The Board reviewed the Licensure Status Report ending July 7, 2011.

DIRECTOR'S REPORT

Jeremy Horton provided the following report on behalf of Shannon Tivitt:

1) The Memorandum of Agreement is currently under conversation including the Attorney General's Office and the Public Protection Cabinet. He will bring another update to the next scheduled meeting.

2) Discussed question number 2 on the private investigator individual application (company data required). Recommended to the Board to file new regulation and change the form since the company data is not required in order to obtain licensure. Mr. Horton also stated that changes of forms will be required across the Boards under the Office of Occupations and Professions in order to better serve the public and licensees.

ATTORNEY'S REPORT/LEGAL MATTERS

Ms. Evans provided the following report:

1) E-mail from Mark Dunnegan regarding KRS 329A.070 (1). The Board discussed the matter. The Board requested Ms. Evans to send an e-mail in response to Mr. Dunnegan stating that the statute exemption does not apply to him since he is no longer employed as an officer. In addition, advise him that the Board cannot issue an opinion because the Board did not understand the services he provides what he considers "skip tracing" and to ask him to provide additional information so the board can further review his request.

COMPLAINT COMMITTEE REPORT

09-004- Ongoing.

2011-01-Ongoing investigation by the Office of Inspector General (OIG).

2011-02 Ongoing- Send complaint letter to licensee involved allowing licensee 20 days to respond.

2011-03- Ongoing- Ms. Evans will send a cease and desist letter.

2011-04 Ongoing- Ms. Evans will send a cease and desist letter.

2011-05- Dismissed for lack of violation.

Sheriff Witt made a motion to accept the Complaint Committee Report. The motion, seconded by Mr. Triplett, carried unanimously.

OLD BUSINESS

Ms. Halmhuber presented the following Mission Statement: **"The Kentucky Board of Licensure for Private Investigators serves the Commonwealth to promote, preserve, and protect the public safety and welfare through effective regulation of the practice of private investigations. The Kentucky Board of Licensure for Private Investigators accomplishes this mission through the examination, testing, and licensing of prospective private investigators; regulation and discipline of all licensed private investigators; and through appropriate communication of information and laws pertaining to the practice of private investigations in Kentucky"**. Mr. Logdon made a motion to accept the Mission Statement as written and to place it on the Board's website. The motion, seconded by Sheriff Witt, carried unanimously.

Mr. Logdon asked about the two year renewal deadline. The Board agreed that the first renewal may not be a two year renewal because of the June 30 deadline. Mr. Mercer stated that he is keeping a to-do-list and that issue is on his list.

NEW BUSINESS

The Board reviewed an e-mail from Holly McCoy-Johnson stating that effective September 1, 2011 the mileage reimbursement will be 47¢ per mile.

The Board reviewed correspondence from John "Jack" Fay regarding the Learning Shop. The Board discussed that if a continuing education class/course/seminar is approved by another state agency it will be automatically approved by the Board according to KAR 41:070(3), (2) and (7). The Board also discussed having the need to adopt a committee to review courses and make sure that courses are approved are required by regulation.

APPLICATION REVIEW COMMITTEE REPORT

The application Committee met at 10:00 a.m. Ms. Halmhuber provided the following report:

INDIVIDUALS APPROVED WITH PROVISIONS: *James Catt, Casey Cordy, John Fagg, Kelsey Gates, Rodney Hall, Michael Orchard, Mia Pero, Ryan Richins, Jerry Sutherland, Gregory Treadway,*

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

INDIVIDUALS DEFERRED: *Trace Lawless, Donald Ledley, Terry Spainboward, Michael Teti and Lee Zadakaus.*

A motion was made by Mr. Mercer to defer the above names. The motion, seconded by Sheriff Witt, carried unanimously.

INDIVIDUALS DENIED: *James Bartlett.*

A motion was made by Sheriff Witt to deny the above name. The motion, seconded by Ms. Halmhuber, carried unanimously.

COMPANY APPROVED WITH PROVISIONS: *C&S Investigations. LLC.*

A motion was made by Mr. Mercer to approve with provisions the above company. The motion, seconded by Mr. Logdon, carried unanimously.

COMPANY DEFERRED: *DigiStream Mid-Atlantic. LLC.*

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

COMPANY APPLICATION WITHDRAWN: *Brosan Investigations, LLC.*

A motion was made by Mr. Mercer to accept the request and authorized the Office of Occupations and Professions to issue a \$400.00 refund to *Leanna Brosan*. The Motion, seconded by Mr. Triplett, carried unanimously.

INDIVIDUAL RENEWAL APPROVED: *Richard Abbott, Larry Falconberry and Ray Womack.*

A motion was made by Mr. Mercer to approve the above renewals. The motion, seconded by Mr. Triplett, carried unanimously.

INDIVIDUAL AUDITED RENEWAL APPROVED: *Richard Casto, Seth Frase, Robert Miller and Dennis Smith.*

A motion was made by Mr. Mercer to approve the above renewals. The motion, seconded by Mr. Triplett, carried unanimously.

INDIVIDUAL DEFERRED: *Richard Beach, Josephine Guy, William Maples, Thomas Quinlan and Christopher Womack.*

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

COMPANY RENEWAL APPROVED: *Kyana Surveillance Specialists, LLC. and Research Consultants Group, Inc.*

A motion was made by Mr. Mercer to approve the above renewals. The motion, seconded by Ms. Halmhuber, carried unanimously.

INDIVIDUAL REINSTATEMENT APPROVED: *Richard Travelstead.*

A motion was made by Mr. Mercer to approve the above reinstatement. The motion, seconded by Ms. Halmhuber, carried unanimously.

QUARTERLY REPORTS APPROVED: *Investigative Consultants, Inc., James Starks Civil & Criminal, LLC., Lang Investigations, LLC., Kevin McClain Investigations, Ltd., and Woodall & Broome, Inc.*

A motion was made by Mr. Mercer to approve the above Quarterly Reports. The motion, seconded by Mr. Logdon, carried unanimously.

TEMPORARY EMPLOYEES REGISTRATION APPROVED: *Scott Armstrong, Joseph Becker, Nicky Branham, John Bryant, Robert Burkett, Destanny Couch, Madeline Cronin, Michael Doody, Craig Durstock, Michael Dusterberg, David Gray, Michael Green, David Groeschel, Jeffrey Hannab, David Harmsen, Joshua Hersbberger, Larry Higgins, Robert Hughes, Todd Jordan, Hollis Love, Tony Lowery, Michael Menese, Matthew Michael, Robert Michels, Ray Moore, Jr., Patrick O'Brien, James O' Daniel, Louis Phillips, Thomas Pitts, Chad Roskovich, Arthur Siemers, Charles Strader, James Swain, Errol Westfall, Benjamin Wildenhaus, Ryan Wiley and Russell Wilson.*

A motion was made by Mr. Mercer to approve the above names. The motion, seconded by Ms. Halmhuber, carried unanimously.

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 Ms. Halmhuber, carried unanimously.

ADJOURNMENT

The Chairman, Mr. Mercer informed the Board that the next meeting is scheduled for Thursday August 16, 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 Ms, Halmhuber, carried unanimously. The meeting adjourned at 2:20 p.m.

APPROVED