

# STATE OF MINNESOTA

## PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD

### MINUTES

March 26th, 2013

**LOCATION:** 1430 Maryland Avenue East, St. Paul, Minnesota

**MEMBERS PRESENT:** Pat Moen, Drew Evans, Jim Hessel, Steve Wohlman

**MEMBERS NOT PRESENT:** Richard Hodsdon

**ATTORNEY GENERAL REPRESENTATIVE:** Jeff Bilcik

**AGENCY STAFF:** Greg Cook, Executive Director

The meeting was called to order at 10:03 a.m. by Evans.

The draft minutes of the February 26<sup>th</sup>, 2013, meetings were reviewed. Evans moved to approve the minutes; Hessel seconded. The motion passed unanimously.

### Consent Agenda

Cook presented the following licensees with reissuance's due in March 2013 as having all materials provided and no issues. Hessel motioned to approve these renewals, Wohlman seconded. The motion passed unanimously.

Licensee's Presented with Reissuance	Licensee's Presented with Reissuance
<b>PAC #88 - Metropolitan Courier Corporation</b> William Dolieslager, Qualified Representative PO Box 272 Osseo, MN 55369	<b>PDI #872 - Thomas Goodpaster</b> Db/Thomas M. Goodpaster & Associates Db/Blue Heron Investigations PO Box 502 St. Paul, MN 55092
<b>PDC #959 - Rgnonti, Blevins &amp; Associates, LLC</b> Nathan Blevins, Qualified Representative 21064 Istria Path Lakeville, MN 55420	<b>PDC #851 - The Acumen Group, Inc.</b> Winfield Erickson, Qualified Representative 5790 Marigold Ln Duluth, MN 55810
<b>PDC #996 - Pinnacle Personnel Screening, Inc.</b> Craig Anglin, Qualified Representative 3920 Regal Path NW Prior Lake, MN 55372	<b>PDI #1026 - Leonard Christ, Jr</b> 7289 E Ramsey Pkwy NW Ramsey, MN 55303

## **PREVIOUS CONTINGENCIES:**

The following renewals were due in February and had issues. These entities responded and corrected the items needing attention. It is worth noting that these entities responded in a timely manner with most of them responding within 24-48 hours.

### **#620 Active Research Investigations, Inc.**

DbA/ARI Security, dba/ARI, dba/Active Research  
DbA/Active Research Investigations,  
DbA/Rangers Security, dba/Sentinel Protection  
Dale Johnson, Qualified Representative  
949-B Vadnais Dr  
Vadnais Heights MN 55127

**File complete. Contingency lifted.**

### **#825 Jodi Hoffmann**

DbA/Confidential Investigative Services  
14751 482<sup>nd</sup> Ave  
Milbank SD 57252

**File complete. Contingency lifted.**

### **#472 John Wallace**

DbA/North Central Investigative Services  
13667 Birnamwood Trail  
Rosemount MN 55068-3596

**File complete. Contingency lifted.**

### **#995 Kantorowicz Investigations, LLC**

Amy Kantorowicz, Qualified Representative  
80 Huntley Ln  
Waite Park MN 56387

**File complete. Contingency lifted.**

### **#426 Legal Express, Inc.**

Michael Grostyan, Qualified Representative  
9749 Alvarado Ln N  
Maple Grove MN 55311

**File complete. Contingency lifted.**

### **#861 Peter Legus**

DbA/Peter J. Legus Investigations  
8603 White Oak Rd  
St. Cloud, MN 56301

**File complete. Contingency lifted.**

### **#938 Prairieland Fire & Forensics, Inc.**

Mark Bishop, Qualified Representative  
2812 Anthony Ln #200  
St. Anthony MN 55418

**File complete. Contingency lifted.**

### **#827 Setter and Associates, LLC**

Richard Setter, Qualified Representative

PO Box 43250  
Brooklyn Park MN 55443  
**File complete. Contingency lifted.**

**#826 Sohlberg Associates, LLP**  
Dag Sohlberg, Qualified Representative  
Partner: Pam Sohlberg  
7753 -128th St W  
Apple Valley MN 55124  
**File complete. Contingency lifted.**

**#329 State-Wide Protective Agency, LLC**  
Troy Nadeau, Qualified Representative  
7260 University Ave NE #100  
Fridley MN 55432  
**File complete. Contingency lifted.**

**#627 Teichner, Feinwachs & Schwasinger**  
Marcus Teichner, Qualified Representative  
Partners: David Feinwachs, Eugene Schwasinger  
2227 University Ave, St. Paul MN 55114  
**File complete. Contingency lifted.**

**#953 Waypoint, Inc.**  
Dennis Sackreiter, Qualified Representative  
4760 White Bear Pkwy #201  
White Bear Lake MN 55110  
**File complete. Contingency lifted.**

**#989 EFI Global, Inc.**  
David Bellis, Qualified Representative, & Minnesota Manager  
8811 FM 1960 Bypass Rd W #400  
Humble TX 77338  
LOCAL: 7667 Cahill Rd #250, Edina MN 55439  
**File complete. Contingency lifted.**

**#255 Premier Security**  
Dan Walker, Qualified Representative, & Minnesota Manager  
111 South Broadway #304  
Rochester, MN 55904  
**File complete. Contingency lifted.**

### Training Course Approvals

TYPE	PROVIDER	ADDRESS	INSTRUCTORS	COURSE NAME	HRS
Continuing Education Protective Agent	Sage 5, INC	14814 Ruggles St Omaha, Emile Nguimfack 68118	Gregory Sampson Trevor Thrasher	Security Officers Standards Training (SOS)	9.8

Hessel motioned to approve the course, Wohlman seconded. The vote was unanimous.

## **New License Applicants:**

### **Allied National Services**

Emile G. Nguimfack, Qualified Representative  
6040 Earle Brown Drive-#400  
Brooklyn Center, MN 55430

Evans welcomed the applicant to the meeting and asked Nguimfack about his background. Nguimfack responded giving his employment history which included several security positions going back to 1999. Evans asked if he had any problems with previous employers. Nguimfack responded saying that there were none. Evans asked if he had any outstanding legal issues. Nguimfack stated he had none. Hessel asked how many employees would they have, and would they be armed or unarmed. Nguimfack stated that they would have as many as the market could allow for, and that they would be unarmed. Wohlman asked about experiences with security audits. Nguimfack stated he hadn't done any. Wohlman clarified the question, explaining what a security audit entails. Nguimfack responded describing his experience doing surveillance of entries into a given facility. Wohlman clarified further, and specifically asked Nguimfack if he had ever done a security audit. Nguimfack responded and said he had. Wohlman asked Nguimfack if he had worked doing security at the University of Minnesota. Nguimfack said yes. Wohlman asked who runs the security service for the U of M. Nguimfack responded that the U of M themselves run the security service. Wohlman asked what kind of training do their security officers receive. Nguimfack responded that they receive both on the job and in classroom training. Wohlman asked how much training would Nguimfack's employees receive and who would do the training. Nguimfack stated that they would get 24hrs of training over 3 days, and training would be done by a certified instructor, but was unable to say exactly which instructor that would be. Wohlman asked how much supervisory work Nguimfack had done. Nguimfack stated that he had been doing supervisory work since 2003.

Pat Moen motioned to grant license, Wohlman seconded, John Hessel opposed, and the remaining board members voted in favor, vote passed.

### **North Tek Security, LLC**

David Zins, Qualified Representative  
501 Partridge Road  
Hoyt Lakes, MN 55750

Accompanying Zins was Timothy Soular, the CEO/CFO of the proposed business. Cook explained to the Board that this applicant was buying the business from long time license holder Our Gang Staffing and has worked for that company, understands the business citing the specialty of providing guard service to the mining industry. Evans welcomed the applicant to the meeting and asked Zins to give his background. Zins described his security employment history back to 1999. Evans asked what the scope of the business was. Zins explained that they would be taking over the 3 operations that Our Gang Staffing currently has. He then provided some history of those operations. Evans asked how many employees they have. Zins stated they have 19 employees. Hessel asked where they operate. Soular responded in the Iron Range. Hessel asked if they are armed. Soular stated they are not.

Wohlman motioned to grant the license, Hessel seconded, vote was unanimous.

**Phillips & Associates, LLC**

Mark Divito, Qualified Representative  
Cody Cobb, Minnesota Manager  
19 East Doyle Street  
Toccoa, GA 30577

Evans welcomed the applicant to the meeting and asked about their background. Divito described both his public law enforcement and private security employment history. Evans asked about the scope of the business. Divito stated that they were strictly unarmed uniformed security. Hessel asked where their employees would be from. Divito stated that they would be mostly from Minnesota. Evans asked Cobb about his background. Cobb described both his public law enforcement and private security employment history, mentioning resigning as a police officer. Evans asked why he had resigned. Cobb stated that it was because he crashed in to a house during a high speed pursuit, and it was either be fired, or resign. He chose to resign. Hessel asked if Cobb and Divito had worked together before. They responded that they had, and Divito noted Cobb's professionalism. Wohlman asked why Divito had withdrawn his previous application. Divito stated that they were having a difficult time with the licensing process. Moen asked if there were any problems with his licenses in other states. Divito stated there were none.

Wohlman motioned to grant the license, Hessel seconded, vote was unanimous.

**Fund Holder Reports, LLC**

Bruce Sederstrum, Qualified Representative, & Minnesota Manager  
2201 N. Lakewood BLVD.-Suite D175  
Longbeach, CA 90815

Evans welcomed the applicant to the meeting and asked about his background and the scope of the business. Sederstrum described his employment history and explained that he currently has his own business for which he is licensed - Bruce Sederstrom Investigations. Sederstrum explained that the company is new to the area, and that it locates heirs of benefits. Cook inquired about how that business worked. Sederstrum explained that they locate assets, locate who they belong to and notify the individuals. They then offer to help the individual with getting through the red tape. Cook asked what Sederstrum's role is. Sederstrum responded that he was there to assist the company with any Minnesota regulations and area tasks.

Hessel motioned to grant the license, Moen seconded, vote was unanimous.

## **Changes of Officers**

There were no changes of officers at this time.

## **Surrendered Licenses:**

#951 Snoop's Investigative Services.

## **Request to Speak to the Board**

Scott Heilsberg of Talon Investigations had requesting to have a discussion regarding private detective license holders being allowed to provide protective agent services. He is requested that the Board make a decision on what the legal situation is and if things need to be changed in regard to the rules, regulations, and or statutes.

Heilsberg, a licensed private detective, talked about how private detectives have been able to do work as protective agents and recently he had an incident with a Minneapolis City Inspector who stated he had to have a protective agent license to perform parking lot monitoring in the city. Cook asked Heilsberg if he reviewed the city ordinances prior to offering those services in that city. Heilsberg stated that somewhere along the line the regulations must have changed. Heilsberg mentioned he couldn't find any specific rules written. Cook asked if he had called the city and asked about the rules. Heilsberg said he had called, but couldn't get a definitive answer. Cook asked if the towing companies were aware of the ordinance. Heilsberg said he assumed they were because they hired his firm. Hessel asked if anything specific caused the situation. Heilsberg stated that as far as he knew, it wasn't anything specific. Hessel asked what Heilsberg did at the parking lots. Heilsberg said he did security of the lots and parking monitoring. Wohlman asked what year Heilsberg became licensed. Heilsberg stated that he received his license in 1995. Heilsberg stated he'd like the statutes to be more clear in regards to this issue, and if he had to be held accountable for having both licenses, all license holders should.

Evans asked if the Board is issuing licenses that allow both types of services, or if it's just something that's done in practice. Cook explained that currently he is issuing two separate types of licenses – one for private investigations and one for protective agents. Cook noted that allowing private detective license holders to provide protective agent services was something that was allowed in the past by practice, not statute. Hessel asked if this will require legislative changes. Cook said that it's possible, and that it's a big issue, affecting many private detective license holders, and that it will take some time to get the issue resolved. Hessel asked what will be done in the meantime. Cook stated that whenever he is asked about the situation, he will state what the statute says, and not what is done in the past. Cook's concern was for the private detectives that have built their business with being informed they could provide both types of services.

Cook offered (3) possible solutions; 1) 'Grandfather' those private detectives that are currently providing protective services. This was discussed with legal counsel and determined to contradict statutes noting it would take statute revision. 2) Develop a combination type of license at a discounted fee. This would also take statute revision. 3) Inform all private detectives that are providing protective agent licenses they have to apply for the protective agent license. Cook noted that as these license holders have already been credentialed he could expedite the process. In regard to the fee, Cook suggested a discounted fee as statute 326.33, Subd 1 allows the Board to designate fees.

The board agreed that this issue would be researched further in order to make any decisions.

## **Other Issues and Discussion:**

### **Outstate firms bidding on Minnesota contracts.**

Cook cited statute 326.3381 and requested clarification from the Board the issue regarding what would be the course of actions for out of state firms that bid on projects/contracts in Minnesota. Wohlman confirmed stating they could not. Cook asked what he should be doing when he finds an unlicensed outstate firm bidding on Minnesota contracts. Hessel said that he should inform them that they must cease and desist their actions. Meeting attendee and license holder Don Davis spoke and confirmed that advertising is also part of the statutes regarding outstate activity. Wohlman stated that it is. Davis asked if the 12 month lockout in license approval could be increased to two years. Cook stated that it would require a legislative revision to do that. Davis asked if a tip line could be set up. Wohlman said that in theory it's a great idea, but Cook would be swamped. He also mentioned that the difficult aspect of the issue is enforcement. Davis asked if alerts could be placed on the states website. Cook stated that it would have to be reviewed by legal counsel as there were legal issues involving posting information on the website. Cook stated that he would research the issue further and develop policies and procedures in dealing with the situation.

### **Definition of what is an employee regarding sole proprietors.**

Cook stated there was confusion with license holders on whether or not they were considered an employee of their own company. Cook stated this affects several aspects of the application and renewal process in regards to, among other things, doing FBI background checks, and completing Affidavits of Training. Cook asked if a person is the sole proprietor of their business, are they considered an employee. Wohlman stated if they are a schedule 'C' company, then yes they are. Hessel also brought up that in past meeting minutes, it was discussed that if a person worked under 30 hours a week, they weren't full time and that also changed their status as being considered and employee. Moen mentioned the implication is with the fee. Cook noted that he will need some time to redesign instructions for applications/renewals regarding this issue.

At 11:32 a.m. Evans moved to adjourn the meeting; Hessel seconded. The motion passed unanimously.