

STATE OF MINNESOTA

PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD

MINUTES

September 24, 2013

Location: 1430 Maryland Avenue East, St. Paul, Minnesota

Members Present: Drew Evans, Jim Hessel, Richard Hodsdon, Pat Moen, Steve Wohlman

Attorney General Representative: Jacob Fischmann

Agency Staff: Greg Cook, Executive Director

The meeting was called to order at 10:02 a.m. by Evans. The draft minutes of the August 27, 2013 meetings were reviewed. Wohlman moved to approve, Hodsdon seconded, the motion passed unanimously.

Review of July 2013 Meeting Minutes

The draft minutes of the August 27, 2013, meetings were reviewed. Wohlman moved to approve the minutes; Hessel seconded. The motion passed unanimously.

Previous Contingencies:

The following contingent renewals have been completed and Cook requested that the Board lift the contingencies for the license holders:

Licensee's with Contingencies Lifted
Rochester Armored Car, (PAC #13)
Metro Private Investigations, (PDC #1046)
EPI Investigations, (PDC #966)

Cook advised there was a gap insurance coverage and provided Gowin's explanation of this lapse. Cook advised that Gowin has not had any related issues in the past and advised that all other items are taken care of. Wohlman moved to lift the contingency and send a Letter of Education and Conciliation; Hessel seconded. The motion passed unanimously.

Consent Agenda

Cook requested a motion of approval for the following reissuance's due in September 2013 as they have provided all materials and have no issues.

Licensee's Presented with Reissuance	Licensee's Presented with Reissuance
Dunn Livery, LP (PAP #236)	Whitemore Fire Consultants, Inc. (PDC #708)
Joynes, Shellum and Good, LLC (PDC #993)	Protective Services, Inc. (PDC #797)
InfoPro Legal Resources, Inc. (PDC #881)	Bonnamy & Associates, LLC. (PDC #999)
Inner Scope Incorporated, (PDC #1008)	Michael K. Flanders, (PDI #268)
Gregory St. Onge, (PDI # 789)	Michael Sackmann, (PDI #960)

Wohlman moved to approve the consent agenda; Hessel seconded. The motion passed unanimously.

Renewals With Issues:

Per Mar Security and Research Corporation, (PAC #270)

Cook explained that there was a request for an extension, but had not received a hard copy yet. Wohlman moved for contingency; Moen seconded, the motion passed unanimously.

Garda CL Great Lakes, Inc. (PAC #319)

Evans described Cook's notes of lack of pre-assignment training for some of the employees. Cook stated the company does not have a history of problems with these errors. Cook also noted that it there also was an incorrect fee submitted whereby the license holder overpaid. Hodsdon pointed out that over-paying is not a critical error. Hodsdon moved to have it renewed without a contingency; Hessel seconded, the motion passed unanimously.

John E. Sperry, (PDI #274)

Cook stated that he had been contacted by the license holder who had requested an extension for the reason of obtaining proof of financial responsibility. Cook was informed that the license holder had recently changed accounting firms and there was a delay in the process. Hessel motioned for Sperry to be offered contingency until proof of financial responsibility is provided, Wohlman seconded, the motion passed unanimously.

Patrick Persons (PDI #969)

Cook informed the Board that there were missing insurance certificates for the period of 8/9/2012- 8/9/2013. Persons was out of town and unable to comment. Hessel motioned for renewal to be contingent upon receiving those documents; Wohlman seconded. The motion passed unanimously.

O'Brien Services, Inc. (PDC #864)

It was found there were multiple employees who did not complete preassignment training within the 21 days. Wohlman points out that he may have been grandfathered in, but need to make sure. Cook stated he would need more time to work with the license holder on the issue. Wohlman moved for a contingency, Hodsdon seconded, the motion passed unanimously.

Azzone Security - Investigation Agency (ASIA), Inc. (PDC #332)

Cook reported that there was an issue with the fee and that a misdemeanor offense was discovered during the background check process. Wohlman pointed out that the offense is not disqualifying. Wohlman motioned for the license to be approved for renewal; Seconded by Hessel, the motion passed unanimously.

Futrell Fire Consult & Design, Inc. (PDC #964)

Cook explained that the license holder overpaid the fee and the correct amount was being sent. Wohlman motioned for approval, seconded by Hodsdon, the motion passed unanimously.

Sedgwick Factual Photo, Inc. (PDC #1049)

Cook explained that a background check on one of the corporation's officers might have come back with an error due to the common name of the individual. Cook researched the individual and the results did not make sense. Cook requested additional time to verify the information. Evans stated a renewal should be granted upon verification of the background investigation. Wohlman motioned to grant a contingency, Hessel seconded, the motion passed unanimously

Lapsed and Surrendered Licenses:

None at this time.

Training Course & Instructors for Certification

TYPE	PROVIDER	ADDRESS	INSTRUCTORS	COURSE NAME	HRS
CPR/First Aid/AED	Whelan Security	1700 West Highway 36 Suite 420 Roseville, MN 55113	Brandon Johnson	Instructor approval only	N/A
Pre Assignment & Pre Assignment Refresher Courses	American Security	1717 University Avenue, St. Paul, MN 55104	Bob Michels	Instructor approval only	N/A
Continuing Private Detective	WayPoint Inc.	4760 White Bear Avenue, #210, White Bear Lake, MN 55110	Rick Ostrom	Working With Regulators and outside investigations	1.5
Continuing Private Detective	WayPoint Inc.	4760 White Bear Avenue, #210, White Bear Lake, MN 55110	Rick Ostrom	Corporate Risk today	1.5
Continuing Private Detective	WayPoint Inc.	4760 White Bear Avenue, #210, White Bear Lake, MN 55110	Rick Ostrom	Forensic Accounting and Red Flags	1.5
Continuing Private Detective	WayPoint Inc.	4760 White Bear Avenue, #210, White Bear Lake, MN 55110	Rick Ostrom	Database information for investigators, What is available today?	1.5

Hodsdon moved to approve the training, Hessel seconded, the motion passed unanimously.

New License Applicants:

NMS Security Services, LLC

Sidney Moen Qualified Representative and Minnesota Manager

5600 B Street

Anchorage, AK 99518

Applying for Protective Agent Corporate License

Evans welcomed the applicant to the Board meeting and requested a brief summary of their experience. Sidney Moen explained his background of military service, law enforcement, and as an instructor. Additionally Moen described the details of operations at NMS, and stated their reason for interest in Minnesota is that they have a client that has requested their services in the state. Evans asked whether their security personnel would be armed. Moen replied that they would not. Wohlman commented that Moen is qualified, but was concerned if someone local would eventually replace Moen as the Minnesota Manager. Moen explained that they possibly would want a qualified Minnesota resident to be Minnesota Manager if there would be a change he would ensure all requirements would be met.

Wohlman motioned for approval of the license, seconded by Hessel, the motion passed unanimously.

Change of Officers

R.J. McGough & Associates

10150 W. Roosevelt Road
Westchester, IL 60154
Local: 18916 Vickers St.
Wyoming, MN 55092

Evans welcomed the applicant to the Board meeting. McGough explained that the previous Minnesota Manager had left the company and he was applying to replace him in that position. McGough explained his lengthy history as a licensed private investigator.

Hessel made a motion to approve McGough as Minnesota Manager, seconded by Moen, the motion passed unanimously.

Request to Speak to the Board

Bill Gordon

Gordon addressed the Board and explained a situation in which his company was considering hiring a security guard from another company. Gordon had found that the employee had not completed his pre-assignment training with that other company, but had been employed there for a long time. Cook noted that the individual may have been grandfathered in while employed at the other company. Cook thanked Gordon for the information and noted that he will be randomly auditing companies for training compliance. Evans noted that the point was well made to the Board and thanked Gordon for the information.

Other Issues and Discussion:

Weapon Carrying Permits for Armed Protective Agents

Cook explained that there was a question raised at the August Board meeting regarding whether armed protective agents need to obtain a weapons carrying permit in addition to the training required by the statutes. Hodsdon explained that legislation suggest that agents would need both security and concealed and carry credentials. Fischmann stated that at no point do the statutes suggest that a license holder or an employee of a license holder is exempt from concealed carry permits. The Board suggested that a rule should be made to require that armed protective agents obtain weapons carrying permit in addition to the standards set forth in the statutes that regulate the industry.

Renewal Fee Issue

Cook stated there was an issue tabled from the August Board meeting regarding the possible overpayment regarding 'A Infidelity Investigations, Inc.' -#907. Cook stated the license holder was seeking reimbursement as they believe they were charged too much in past renewal cycles. Evans stated that the renewal period in question had long passed, and the issue should have been handled at that time and that no refund should be granted. The Board agreed unanimously.

Statute Revision Advisory Group update

Cook explained that the group had been working to create a list of suggested revisions within existing statutes that affect the private detective and protective agent industry. Cook explained that he had informed the group that the guidelines of revising the statutes should be public safety, consumer protection, maintaining a high standard for the industry and streamlining the regulation process. Cook explained that this group is made up of license holders and trainers that represent the industry. Cook stated that in his position there may be a conflict with some of the ideas proposed, but would continue to provide the group support in the form of information.

Legislative Initiatives

Cook informed the Board that the Department of Public Safety, per Governor Dayton's request, was seeking suggestions for the upcoming legislative session calling this process the 'Unsession'. The 'Unsession' was looking for ideas that met the following criteria; using existing resources to reduce waiting times, eliminate unnecessary or outdated requirements, and increasing access to services. Cook noted that there were many items within the statutes that need analysis, but for the upcoming legislative session Cook suggested the Board should focus on a few important points that have been previously discussed by the Board.

Removal of the Bond

Cook stated that previous discussions in the Process Improvement meetings and discussions with the Board, the removal of the surety bond requirement from the statutes had been reviewed. Evans noted that he had concerns regarding consumer protection aspect of that and that it should be analyzed further. The Board agreed.

Licensing of Pilot Car services

Cook suggested the exemption of the licensing of Pilot Car services through the agency from the statutes. Cook explained that the state currently has regulation in place and has recently implemented a new program in which pilot car services must obtain a certification in order to provide such services. These are described in Minnesota Statute 299D.085 and Minnesota Rules Chapter 7455. Cook stated that this certification program further regulates the pilot car industry. Having pilot car service entities obtain an additional license though the agency is unnecessary, burdensome to pilot car service entities, uses valuable agency resources, and is costly to the license holder. Cook stated that there will be confusion among pilot car services as well as license holders. The current application process through the agency is oriented towards protective agents. Cook stated that exempting pilot car services from MN Statutes 326.32-326.339 is a perfect fit for the 'Unsession' and that regulation of pilot car services is best served by the Department of Transportation and/or the State Troopers. Hodsdon agreed and stated that other escort services such as funeral escorts should be exempt as well. Wohlman stated that he was concerned with the pilot car services that are operating in the state and are not licensed. The Board agreed that Cook should initiate a proposal to have license holders exempt from MN statutes 326.32-326.339.

With no other items on the agenda Wohlman motioned to adjourn the meeting at 11:15am. Evans seconded the motion and the meeting was adjourned.

Next meeting is scheduled for October 29, 2013 at 10 a.m.