

STATE OF MINNESOTA

PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD

January 27, 2015 Meeting Minutes

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

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

Members Not Present: Drew Evans

Attorney General Representative: Jacob Fischmann and Peter Magnuson

Agency Staff: Greg Cook, Executive Director

The meeting was called to order at 10:02 a.m. by Hodsdon.

Hodsdon made a request for consent to amend the agenda by adding item 13C to get an update on the issue relative to a previous motion seeking injunctive relief for unauthorized practice.

Review of December 2014 Meeting Minutes & Aging Reports

Hessel moved to approve the December meeting minutes; Moen seconded the motion. The motion passed unanimously.

Cook mentioned that as the Board can see by the aging reports that the agency starting to back up.

Current Contingencies

PDC #1014 KIPPS Investigations, LLC:

Cook stated that Guralnik had been working with Kurtz on this issue, and there is a letter in the packet that addressed the gap in his insurance coverage. All other renewal items are complete. Cook also stated that Kurtz of KIPPS Investigations is applying for an additional license at this time.

Hodsdon inquired if Kurtz does have insurance now. Guralnik stated that there is a policy in place now and that the gap was only for a short period. Hessel inquired about the reason for cancellation. Guralnik stated the agency told Kurtz the company he was previously been insured with no longer covered security guards.

Wohlman inquired if there were any other issues. Cook stated that the license holder had been involved in a discussion regarding Sentential Security, but Kurtz immediately ceased association after the Board informed them that it was unauthorized practice.

Wohlman moved to lift the contingency with a Letter of Education and Conciliation; Hessel seconded the motion. The motion passed unanimously.

Renewal Consent Agenda

License Number	License Type	License Holder
956	PDC	Pitman Investigations, LLC

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

At this time, Cook asked to introduce some new people present at the meeting. Cook stated that the agency has two new interns, Rebecca Martens and Tenisha Medcalf that the agency will be sharing with several other departments including Missing Persons and POR. Cook stated he wanted to welcome them aboard, as they will be present at the next few meetings.

Renewals With Issues:

PAI #302 – Myrle Beckman:

Guralnik stated that the license holder sold his business but is still trying to decide if he wants to keep his individual protective agent license.

Hessel moved to approve a contingency; Moen seconded the motion. The motion passed unanimously.

PAC #177 – Guardsmark, LLC:

Guralnik stated there were several issues found on the Affidavit of Training and that some issues were cleared up, but some were not. Guralnik stated one issue was with the date for the pre-assignment training for the Qualified Representative, and another issue was that the Qualified Representative completed continuing education using courses that were not approved by the Board.

Cook added that he is happy to look over courses not yet approved by the Board but that the license holders should not assume that Cook will approve them, and that the request to have courses approved should be done prior to the renewal being turned in.

Hodsdon inquired if there was a current renewal. Guralnik stated this was a renewal due in January 2015 but that the agency had not had a chance to pull a disciplinary history yet. Cook inquired if the Board would like the agency to pull the disciplinary history and the Board stated yes.

Wohlman approved a contingency to allow the agency to get more information; Moen seconded the motion. The motion passed unanimously.

PAC #305 – Shields Services, LLC:

Guralnik stated that there was an issue with the Affidavit of Training because the Qualified Representative was not listed. Guralnik stated that the Qualified Representative did provide a POST license but that the date of hire, background checks and ID card issuance needed to be listed. Guralnik stated that she had communicated the issues to the license holder but had not heard back yet.

Wohlman approved a contingency to allow the agency to get more information; Hessel seconded the motion. The motion passed unanimously.

PDC #559 – Fitz Corporation:

Guralnik stated that all employees were POST licensed, but that the license holder had not sent copies of the POST certificates and that insurance was not provided for the policy period of 2013-2014. Guralnik stated that this had been communicated to the license holder, but she had not heard back yet.

Hessel approved a contingency to allow the agency to get more information; Wohlman seconded the motion. The motion passed unanimously.

PDC #704 – Examination Management Services, Inc.:

Guralnik stated that this renewal had a few different issues on the Affidavit of Training regarding dates for pre-assignment. Guralnik stated that the license holder explained that they thought previous experience as a private detective meant they did not need to complete pre-assignment training. Guralnik stated that 8 or the 10 employee's did not have pre-assignment training dates provided.

Wohlman stated that the employees would still need to have certificates for when they had completed pre-assignment in the past. Guralnik advised that she did explain that if they had taken it prior to working for them that those pre-assignment dates could be used.

Guralnik added that the agency had pulled a disciplinary history.

Wohlman stated he would want to see proof of the training. Guralnik stated that it does not appear that the license holder had their employee's complete pre-assignment training.

Guralnik stated the other issue was that all 12 hours of continuing education had been completed in 2014 and that the license holder stated that they were under the impression that the employees needed to complete 12 hours during the renewal period.

Cook inquired for clarification if training can be carried over from one year to the next but not carried back from a current year to a prior year. Hodsdon stated that the statutes does stated that it should be 6 hours each year and that there has been confusion on this for years and that some license holders have been told that it is OK to complete it all in 1 year.

Hodsdon stated he feels that a contingency should be granted to at least allow the license holder the opportunity to provide the dates of the required pre-assignment training. Wohlman moved to approve the contingency. Moen inquired about how many employees. Guralnik stated that 8 or the 10 employees do not have pre-assignment training dates. Hessel seconded the motion. The motion passed unanimously.

PDC #940 – Veracity Research Co.:

Guralnik stated this was another issue with continuing education being completed in 2014 and none in 2013. Guralnik stated the license holder provided an explanation and that the agency had provided a disciplinary history.

Wohlman inquired if all employees were up to date with the 12 hours of training. Guralnik stated that they had all done 12 hours, and that the license holder explained that she had signed the employees up for a class in December of 2013 but the class was not held until January 2nd, 2014 and that other 6 hours were completed in November of 2014.

Wohlman inquired if everything else was OK with the renewal. Guralnik stated that the renewal was complete aside from this issues.

Fischmann addressed the Board and stated that per Minnesota Statutes 326.3361s2.3 it states 6 hour per year of certified training and additional 6 hours a year for weapons. Cook stated that one could interpret that it

would mean they need 6 hours each year. Cook stated that training should be done continually and not just at the last second. Hodsdon stated the Rule is consistent with the Statutes and states annually. Hodsdon stated that since the statute states annual that this should stand as notice to all license holders that annual means annual and that there needs to be 6 hours of continuing education per year. Cook inquired about a grace period for this situation as license holders have been told they could carry over for one year to the next and now he will need to get the word out to them that this is not OK. Cook added that there is not enough in the budget to do a mailer so email and meeting minutes will be the only way to notify them.

Hessel stated he assumed that the Board had told license holders that 12 hours in the 2 years was OK, so if this is not the case the license holders do need to be notified. Moen inquired if there were other ways for Cook to notify the license holders. Cook added that going forward the renewal packet will be corrected to instruct the license holders that they need to complete their training hours annually.

Hodsdon inquired if the certificates were mailed out and could it be added to this mailing. Cook confirmed that this was possible.

Being this was the only issue Moen moved to approve the renewal; Wohlman seconded the motion. The motion passed unanimously.

Cook asked to address the issues with renewals and the amount of time it takes the agency to get them corrected and processed. Cook stated that there is a checklist provided, but still there are many missing documents and erroneously entered data. He stated that in February there are 28 renewals and with those renewals and these contingencies, the meeting will likely be taken up these items alone.

Cook also added that whatever is missing at the 1st of the month is what the Board should take into consideration. Cook inquired from Guralnik how many renewals typically have issues after the initial review. Guralnik stated it is about 90 percent and that only one, maybe two, renewals are complete after the initial review. Hodsdon stated that it is obvious based on this month's renewals.

Hodsdon advised that he knows in the past packets were sent back to be corrected by the license holder. Cook stated that since he came into the office the agency has not sent back one single packet. Cook stated that the agency has been working with the license holders and will continue to work with them, but what needs to be noted is what was missing as of the 1st of the month. Cook stated once they know what the issues are they work to correct them, but as investigative and security professional, they should know how to fill out forms and keep their records straight. Guralnik added that the agency changed the checklist to be more specific, but it did not make a difference.

Hodsdon stated that maybe there should be a training course offered on how to fill out renewals. Cook stated that he has thought of that as well. Hessel inquired if Cook could be an approved trainer. Cook stated it is up to the Board, but that they could not charge a fee for the course.

A license holder in attendance, Bill Gordon, inquired if this type of course could be put on at the next MAPI conference and stated that he would be happy to help teach this type of class and that Guralnik had worked with him on his renewal and he learned a lot about the process. Hessel stated that MAPI would not reach a large enough number of license holders. Cook stated that he can look into this but no fee could be charged. Hodsdon confirmed even if a fee was charged it would go into the general fund so it would not be beneficial.

Wohlman stated that some of this goes back to the behavior of the license holders during the 2-year renewal period. Cook added that some license holders look at the agency as a filing system for them and will write on the renewal paperwork that requests certain documents "check my file". Cook stated the agency does not

have time for this. Wohlman stated that POST got out of keeping track of that and they have more staff and more of a budget.

At this time Guralnik advised that there was one more issue with the previous renewal #704. Guralnik stated that there was no renewal done in March 2013 because an officer change was done in January 2013 and the dates were changed and a certificate was mailed to them. Cook stated that this was an agency mistake, but that the license holder should still know that they need to complete a renewal every 2 years.

Moen inquired if there was any necessary action needed at this point. Guralnik stated she just wanted the Board to be aware of the issue. Hodsdon and Wohlman stated that it is hard to blame the license holder. Wohlman stated the only thing he thinks that should be requested is proof of insurance. Guralnik stated they provided insurance showing they had coverage in place from 2012 to current.

Hodsdon and Wohlman agreed that there is nothing that needs to be done and the Board should proceed with the contingency as motioned earlier.

Tabled:

Protection Services

Cook stated that he has been in contact with the applicant’s legal counsel and they do understand the situation and would like more time to gather the data that the Board has requested.

Cook added that at this time he would like to address one more item that he did not put on the agenda regarding applicant Brian Shin. Cook advised the Board that he was an applicant who the Board requested more detailed work experience from. Cook worked with the applicant and contacted the Veterans Affairs people, but could not come up with what the Board needed, and he has withdrawn his application. Hodsdon stated that he hopes the applicant uses this time to gain that experience and applies again. Cook agreed and stated that he advised the applicant he would be more than happy to help him in the future.

Fischmann inquired if that withdrawal was in writing. Cook advised it was a phone call. Fischmann stated it would be best to get this in writing. Hessel inquired if the full application fee was refunded and Cook confirmed he would receive 50 percent refund.

Lapsed Licenses:

Cook stated that this was not on the agency but that PATS, LLC has now been lapsed for 60 days so the license is now expired.

Surrendered Licenses:

None at this time.

Training Course & Instructor Approvals:

Type	Provider	Instructors	Course Name	HRS
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CPA	AlliedBarton Security Services, LLC	Taymara Montague	CPR/AED and First Aid	6
PPA	Empire Investigation and Protective Services	Paul Gherardi	Pre-Assignment Training, Protective Agent	12
CA	G4S Government Solutions, Inc.	Multiple	OC Spray	4
PPA	G4S Government Solutions, Inc.	Multiple	Protective Agent Pre-assignment	12
CPA	G4S Government Solutions, Inc.	Multiple	Protective Agent Continuing Training	6
IA	G4S Government Solutions, Inc.	Multiple	Weapon Pre-assignment Training	32
CA	G4S Government Solutions, Inc.	Multiple	Firearms Continuing Training	6
CA	G4S Government Solutions, Inc.	Multiple	Use of Expandable Baton	4
CA	G4S Government Solutions, Inc.	Multiple	Defensive Tactics	2
CA	G4S Government Solutions, Inc.	Multiple	Control Techniques/Handcuffing	2
CPA	G4S Government Solutions, Inc.	Multiple	Basic First Aid	3
CPA	G4S Government Solutions, Inc.	Multiple	CPR	4
CPA	G4S Government Solutions, Inc.	Multiple	AED	1
CPA	G4S Government Solutions, Inc.	Multiple	DHS SPO Training	30
IA	G4S Government Solutions, Inc.	Multiple	OC Spray Instructor Certification	8

Provider	Instructors
American Security, LLC	Alexia Nompeli
Empire Investigation and Protective Services	Paul Gherardi
G4S Government Solutions, Inc.	William H. Gary III
G4S Government Solutions, Inc.	Robert C. Edmunds

Provider	Instructors
G4S Government Solutions, Inc.	Kristopher Petrie
G4S Government Solutions, Inc.	Steven Scharfe
G4S Government Solutions, Inc.	Robert Montminy Jr.
G4S Government Solutions, Inc.	Charles Maurer

Hessel moved to approve the training and instructors; Wohlman seconded the motion. The motion passed unanimously.

Officer Changes – Consent Agenda

License Holder Business Name:	G4S Secure Solutions (USA), Inc.
License Type/Number:	PAC 210 & PDC 1105
Name of Officer:	John C. Kenning
Type of Officer Change:	CEO

New License Applicants – Present:

None at this time.

New License Applicants – Consent Agenda:

None at this time.

Additional License Applicants – Consent Agenda:

Applicant Business Name:	KIPPS Investigations, LLC
Applicant Name:	Jesse Kurtz
Physical Address:	1490 Greenly Street Suite 201 Stillwater, MN 55082
Type of License Applying For:	PAC

Applicant Business Name:	Pitman Investigations, LLC
Applicant Name:	Jan M. Pitman
Physical Address:	5296 Pleasant Court East White Bear Lake, MN 55110
Type of License Applying For:	PAC

Other Issues and Discussion:

Training Hours

Hodsdon stated that this discussion was covered previously in the meeting. Cook confirmed this discussion was complete.

Dan Walker

Cook addressed the board about Dan Walker, reminding them about a previous board meeting in which another license holder had made negative statements in regard to Dan Walker. Cook stated that Walker had sent him a letter that he wanted added to the meeting minutes, and that Walker's attorney has been in contact with him and is asking for Walker's name to be removed from the meeting minutes. Cook asked for advice from the Board as to what action to take; whether to completely remove Walker's name from the minutes, change his name in the minutes, or to add the letter to the minutes.

Wohlman made the suggestion to resend the meeting minutes, reopen them, and have the board vote on passing the minutes without Walker's name on it.

Hodsdon stated that he is concerned about removing Walker's name because one of the grounds by which a license holder can be denied his license is to make false statements to the board. If this license holder did in fact defame an individual, who is a license holder by this board, that validates the decision to deny him of his license. Hodsdon then stated that he would not want to do anything to our council that could potentially dilute the strength of their case. Hodsdon stated that he does not want Walker to feel like his reputation is being sacrificed. He also stated that the public record laws in Minnesota make it very difficult to modify a public record. Hodsdon stated that in fairness to the citizens, and in attempt to protect the integrity of our process, he is not in favor of deleting Walker's name from the minutes.

Fischmann stated that if anything stated by the afore mentioned applicant was private data, not making any determination, MN statute 13D.05 states that data discussed at an open meeting retain the data original classification, however a record of the meeting regardless of form shall be public. Hodsdon stated that he does not believe that an applicant speaking about a third party at a public meeting makes the information stated about Walker private.

Cook stated that he will continue with the plan to attach his addendum to the meeting minutes and send it in to DPS Communications to post to the website.

Cook stated that he will be appearing in front of the House of Representatives on Wednesday at 10:15am and that he will be appearing in front of the Senate on Thursday at 12pm. He asked the board to review his handout and offer any feedback.

Cook asked the board to review the biennium report, and offer any feedback on anything additional to include in the report. He stated the importance of educating the public about what we do.

Hodsdon addressed the Board on unlicensed activity

Hodsdon stated that as of 3:01am this morning he found an advertisement online for Avalon, Inc. The advertisement was for that entity that is not licensed. Hodsdon stated that the website stated the company

was started by Daniel Seman. Hodsdon stated that the website talked about executive termination, security consulting services, strike security, security analysis, close security, and has a narrow discussion of all the services the company could be hired to provide. Hodsdon stated that he realizes that there are criminal charges in place, but that nothing will happen until March in regard to these charges. Hodsdon stated that the criminal charges do not appear to be having an effect on the unauthorized practice. Hodsdon then stated that he is hoping to see some action in the case, and receive an update.

Fischmann stated that the update is essentially that nothing has changed since the last time that it was addressed. Fischmann stated that there has been no action, but there has been discussion with the city attorney prosecuting the case.

Hodsdon stated that he would like to request an attorney client memorandum, and that he doesn't believe that it is outside the scope of the open meeting law. If this is not an option, Hodsdon stated that he feels the board needs to do whatever it takes to get the ball rolling with an injunction. Hodsdon stated that the motion to initiate action passed in October, and that the board was asking for action against the unauthorized practice. Hodsdon expressed frustration that the board has seen no action, and he explained that due to the lack of action against unauthorized practice a previous license holder is stating that his situation proves that the board should be abolished.

Cook stated for the record that the subject in question has sent letters to, and is meeting with, legislators in an attempt to deregulate the board. Cook also stated that this individual has stated in his letters what his intent is.

Hodsdon made a point to address that he views one of his primary roles as a citizen member to be consumer protection, and that he feels the board is not doing it in this case. Hodsdon expressed frustration with the fact that this individual was specifically told that he does not meet qualifications to be a license holder, yet he goes on and continues to practice without a license.

Hessel inquired about what the board can, or is supposed to do at this point.

Hodsdon explained to the attorney general that he would like to have a detailed update within the next couple weeks about the progress with this situation.

Cook inquired what the next step will be.

Fischmann stated that this communicating of Hodsdon's request for an update will be the next step, and that communication with the board in an attorney-client privileged fashion would also be the next step.

Cook inquired about what this would entail. Hodsdon replied that it would involve the board getting legal advice from their attorney. Cook asked for a timeline of when this would happen. Fischmann stated that he would probably be able to communicate the memo by the end of the day.

A license holder that was in attendance at the meeting, Bill Gordon, stated that license holder's spend a lot of money on their licenses and their renewals. Gordon went on to say that it sounded to him that someone is out there practicing without a license, and that the board was not doing anything about it. Gordon expressed frustration and confusion with how the board could have no power in this situation, and that he is still required to pay various fees. Gordon inquired why he should be paying the money for his license if there are people out there practicing without a license.

Cook thanked Gordon for expressing his concern, and advised him that the board is working diligently to remedy the situation.

Cook inquired about what type of service Dan Semen, from Avalon, Inc. was providing. Guralnik and Hessel both commented that they believe he is providing transportation services for the mentally ill as well as for intoxicated individuals on their way to detox.

Kelly Guralnik

At this time Cook addressed the board about Guralnik accepting a position with Scott County as a deputy sheriff. He stated that she has been instrumental in the success that the agency has seen in the last year and a half. Cook thanked Guralnik for all of her hard work, and wished her luck and safety in her future career.

A license holder in attendance at the meeting, Scott Hielsberg, inquired for clarification on the statute read by Fischmann. Fischmann stated that he simply read straight from the statute, and that he is not in a place to give advice on how to interpret the statute.

Hielsberg inquired to Cook about training and about Cook's prior comments regarding unapproved training, he wanted to know if he should send in training prior to his renewal date. Hielsberg stated that believed he had been told two different things on different occasions. Cook stated that he was sorry for any confusion, but that he was unaware of the specific situation that was being referenced. Cook stated that if Hielsberg is looking to get his training approved, so that he can use it as part of his CEU's for his renewal that he should send it in before his renewal, but otherwise to hold on to the training and turn it in with his renewal.

Wohlman made a motion to adjourn the meeting. Moen seconded the motion. It was passed unanimously. The meeting was called at 11:28am.

Next meeting is scheduled for February 24, 2015 at 10:00am.