STATE OF MINNESOTA

PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD

November 25, 2014 Meeting Minutes- Rough Draft

Location: 1430 Maryland Avenue East, St. Paul, Minnesota
Members Present: Drew Evans, Richard Hodsdon, Pat Moen, Jim Hessel and Steve Wohlman
Attorney General Representative: Jacob Fischmann
Agency Staff: Greg Cook, Executive Director

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

Review of October 2014 Meeting Minutes and Aging Reports

Wohlman moved to approve the October meeting minutes; Hessel seconded the motion. The motion passed unanimously.

New License Applicants – Present:

Applicant Business Name:	**Protective Security, Inc.**
Applicant Name:	**Bradley A. Lonergan**
Type of License Applying For:	**PAC**
Chief Executive Officer:	**Bradley A. Lonergan**
Chief Financial Officer:	**Bradley A. Lonergan**
Qualified Representative:	**Bradley A. Lonergan**
Minnesota Manager:	**Bradley A. Lonergan**
Physical Address:	**22420 Cedar Drive Bethel, MN 55005**
Local Address:	**22420 Cedar Drive Bethel, MN 55005**

Evans welcomed Lonergan and asked him to provide a little about his background and experience and the scope of his proposed business. Lonergan stated that he started working at Sim Security in the 1980's and from there he went to Loomis Armored where he spent 10 years and after Loomis he worked for American Security. Lonergan stated he has around 30,000 hours of security experience and he submitted social security administration records because many of the companies have gone out of business or changed hands. Lonergan stated the scope of his business would be corporate security and private protection. Lonergan added that he worked at the Hennepin County jail for a few years, and also worked with the Ramsey County Sheriff's department back in the 1980's as a reserve officer. Lonergan also advised the Board that he has some schooling at North Hennepin Community College for law enforcement.

Wohlman asked Lonergan what he did for the Hennepin County Jail; Lonergan stated he was a jailer. Wohlman inquired how long he did that for; Lonergan stated 2 years. Hessel inquired if Lonergan was a Deputy; Lonergan stated he was not and that the jailer was also called a juvenile security officer.

Wohlman stated that he did not see Sims Security on the list of employers, and inquired what Lonergan did for Sims. Lonergan stated he did Metrodome events, crowd control, lumber exchange buildings and also retail. Wohlman inquired what Lonergan' s position was; Lonergan stated he was a security guard. Wohlman inquired if Lonergan was ever a sergeant or if he ever had any employees underneath him. Lonergan answered no, and stated that Sims was his first security job back in the 1980's.

Wohlman then inquired about Loomis an asked what Lonergan' s position was with Loomis. Lonergan stated he was hired as an ATM first line service which was basically armored car, money transport, service ATM's and answer alarm calls. Wohlman inquired what her title or rank was with Loomis; Lonergan stated he was security guard. Wohlman inquired if Lonergan had any people working underneath him at that time; Lonergan stated he did not.

Wohlman then inquired about American Security. Lonergan stated he did the same at American Security as he did at Loomis, but he had a partner. Lonergan added that at Loomis ATM calls were always one person but armored car was always two. Wohlman inquired if Lonergan had any employees working under him at American Security; Lonergan stated no that he was not in charge of anyone.

Wohlman then inquired what experience Lonergan has with security audits and surveys. Lonergan asked Wohlman to explain what he meant by security audits. Wohlman inquired if Lonergan knows what a security audit is; Lonergan inquired if he meant for the buildings when you are going through and looking at what needs to be done. Wohlman restated security audit and inquired again if Lonergan had any experience with security audits and surveys. Lonergan stated in his experience they did not do the surveys. Wohlman inquired again about security audits; Lonergan stated he did not do security audits or any forms. Lonergan stated they would go in and look at alarms, but they were contracted by the banks.

Wohlman then inquired about the Sheriff's department job. Lonergan stated he was with the Ramsey County Sheriff's Department for a short time as a reserve officer back in 1984. Wohlman inquired what all that entailed. Lonergan stated that he was in the training program and back at that time, they actually licensed their reserve deputies so he was going through the training to get licensed. Lonergan stated this included handcuffing, gun retention and all the training before going out on the street. He then stated that he ended up getting his arm pulled out of joint during a training class, which pretty much ended his time as a reserve. Wohlman asked about the work that the reserve position entailed. Lonergan stated that he had only started going through the training. Wohlman then inquired if he ever actually did any work for them; Lonergan confirmed and stated he was going through the training.

Hodsdon inquired if the security jobs Lonergan held were all full time jobs. Lonergan stated that Loomis was full time, and American Security was kind of part time because he had his other thing going. Lonergan then stated the jail was part time. Evans asked what Lonergan meant by his other thing. Lonergan stated that he has a company that he was running, Hobby Farms Plus, which he stated in 1994. Lonergan stated that is what he still does today. Evans inquired what that business does. Lonergan stated they are a government contractor and they haul mail. Lonergan stated he is also licensed as an exterminator and for septic systems. Lonergan stated that the company does a lot of things and they have quite a few employee's, currently he believes there are 38 employees.

Cook inquired if any of the employees are security guards and Lonergan stated they are not. Cook inquired again what type of security he is looking to do with the license. Lonergan stated general security and corporate security.

Hodsdon inquired what part time at American Security was. Lonergan stated he was working two or three days per week.

Cook addressed the Board and advised that Lonergan was having a hard time finding employment references to confirm his experience, so he provided an itemized statement of earnings from the social security administration, which does not show hours worked but it shows dollar amounts. Wohlman stated he is not concerned about the hours, and stated if you got to Statute 326.338s2c1 it states that a licensed protective agent needs to have gained experience in security systems, which Wohlman confirmed that Lonergan does have, but also in audits and supervision. Wohlman stated it is troubling for him that Lonergan only has one of the three experience requirements.

Lonergan stated that he works for the government now as a contractor and at the high point they had close to 50 employee's, now down to 36. Lonergan stated that mail is a highly secure item and he is the only one managing the people, and he has been for 17 years. Wohlman inquired what Lonergan does to manage people. Lonergan stated he does the hiring, firing, discipline, unemployment claims, workers compensation claims, deals with all attorneys, sets all the policies and procedures, deals with the DOT and he deals with the State Patrol. Lonergan stated in running the business he wears many hats, and he fixes the trucks himself as well. Lonergan stated that the Board can look and see there are no issues with his company, and that they do things the right way. Lonergan stated that they have to be accountable for all the keys and schedules and if there is a problem they discuss it with the local guy here or they have to go to Denver or Washington.

Wohlman advised that he is going by the statutes and the statutes say a United States Government investigative service, and Wohlman acknowledged that Lonergan' s affiliated with the United States Government but he is not sure it would be considered an investigative service. Wohlman stated he is thinking about the mail carriers in his area and his post officer clerk is doing all that stuff too. Lonergan stated they are a contractor and they are not delivering house to house. Lonergan advised that they go to the main post office, pick up the registers, the mail and the keys, deliver it, and lock it in their vestibules. Lonergan added that he is managing all those people and their schedules. Lonergan stated that as far as audits, he has been to thousands of banks and you can see what is wrong and where security it needed. Wohlman inquired again if Lonergan has ever done a security audit that was turned into an insurance company or a survey that was turned into a client. Lonergan stated that when he was working with Sims he would notify the clients with a statement from his shifts. Lonergan stated that he has his own commercial buildings but he has never been asked to do an audit.

Evans inquired if there were any other questions from the Board.

Hodsdon stated the Executive Director has noted that there are some missing personal references, supervisor names, phone numbers, tax ID, insurance certificate and inquired if the Executive Director could tell the Board more about these missing items. Cook stated that Kelly was working on this and she did get some information. Cook confirmed that Kelly did get the tax ID number, and that he believed Lonergan had turned in a net worth statement. Lonergan stated that his attorney had talked the agency about the insurance and that it was a chicken and egg situation. Cook confirmed and recalled that the attorney had mentioned they agent would not give Lonergan a certificate until he has his license. Lonergan stated that they found a place and it would be $12,000 for the insurance binder.

Cook stated that there is an issue with the instructions, and they need to be advised, but the agency asks for 5 personal references and the work reference. Cook stated that Lonergan had his own business for some long that he was only able to provide the personal references and not the work reference from someone who he was employed by. Lonergan stated the last time he worked for someone was in 1997 which was why he submitted the social security administration report.

Cook stated that all the agency can do is take what the applicant provides and give it to the Board, which is what he has done. Cook stated the Board is the one who has to make the decision and that is where the application is at.

Hodsdon stated he has no doubt that Lonergan has extensive business management experience, but he is not sure how it relates to security management. Hodsdon stated he would feel much better if there was a way to tie the experiences together. Hodsdon added if the Board approved mail transport as security then the Board is setting precedence for mail carriers.

Hodsdon stated he wonders if there is anything the Board can find, or that the applicant can produce, something that would address Wohlman' s point on the security management experience. Hodsdon stated as far as a line staff guard Lonergan has the hours, the experience and the training, and he understands about the references and insurance but his concern is the security management experience.

Cook stated aside from getting a job that would give him that experience he is not sure what else could be produced.

Lonergan stated that aside from the mail, they do finger prints, which go to postal inspections, and as far as American Security he had a partner there, and Loomis he worked alone. Wohlman stated that Lonergan needs to look at the bigger picture. Wohlman stated there are many people who do some of the same things that Lonergan does with his business, but they do not have security supervision experience or experience in security audits and surveys. Wohlman stated when it comes to security audits you need to know what you are doing and it has to be done professionally and Lonergan does not have that experience. Wohlman added that security supervision is a little different too, because there is the training aspect.

Wohlman stated that Lonergan is probably an excellent manager, because he has done it for many years. Wohlman added that the Board has to go by the statutes and he does not see how Lonergan' s experience ties into the statutes. Wohlman stated that if the Board does not go by the statutes they are opening the door for anyone to come in to get licensed.

Hodsdon stated that a full time 20-year patrol officer would not be qualified for a security license either, because they don't have that management supervisor experience. Hodsdon stated there have been patrol officer told that they do not meet the criteria.

Wohlman stated if he were to vote right now his vote would be to note license Lonergan, and he is just letting him know that.

Lonergan went back to the security audit issues and stated it is not that difficult to do. Lonergan stated he has his own commercial buildings and he can do this.

Evans stated that the Board is not disagreeing, but the statute is clear and he does not have the required experience for the license. Evans stated he would express the same concerns and would also vote to deny the application at this time. Evans stated if Lonergan can somehow go back into records for the Board to examine his experience then the Board could relook at this, but at this time the Board should entertain a motion.

Wohlman stated the Board can entertain a motion or the applicant can withdraw and get 50% of his fee back.

Hodsdon states he does not feel that Lonergan's current experience fits the statutes, but if Lonergan feels he can show the Board that part of what he does meets that criteria then the Board could move to table.

Lonergan stated that he has trained a lot of people on this type of work, including a branch manager, and he never considered that management. Hodsdon stated there is a difference between training and developing a training plan.

Lonergan stated the way he read that statutes is that once you get licensed then you start to do continuing education. Wohlman stated the statutes are pretty clear. Wohlman stated he worked in security 10 years before becoming licensed and it wasn't until he because an area manager that he got into doing the audits and surveys.

Lonergan stated he got his corporation started 13 years ago, and he had other things going. Lonergan stated that as a security guard you are only making $10 or $11 an hour and his drivers make $25 an hour.

Evans advised the applicant if he is willing to provide more documentation the Board will table the discussion, but that from what the applicant has explained he does not meet the security management experience.

Cook stated that as an applicant they are signing the application stating that they understand the statutes.

Hodsdon stated that he would move to table the application for 2 months to allow the applicant to consult with counsel to see how he wants to proceed; Hessel seconded the motion. The motion passed unanimously.

Applicant Business Name:	**T & R Investigations & Protective Services**
Applicant Name:	**Thomas Mutchler**
Type of License Applying For:	**PAI (Additional License; he already has a PDI license)**
Physical Address:	**19443 Hines RD Hines, MN 56647**
Local Address:	**19443 Hines RD Hines, MN 56647**

Evans welcomed Mutchler back to the Board and inquired if Cook needed a new Tennessean. Cook stated that he has Mutchler's signed Tennessean Warning.

Fischmann inquired about Mutchler's reference to an attorney and asked if Mutchler has an attorney. Mutchler stated he does not have one present at today's meeting, as it was a follow up to the previous new applicant interview by the Board from the last meeting.

Evans stated that Mutchler had been asked to provide some additional documentation on some of the Board's concerns about his background that the Board is evaluating in regards to his application for an additional license as well as the renewal of his current license. Evans stated that he would open it up to the Board members for follow up as the agency received a number of documents concerning the matter.

Hodsdon stated that administratively he is trying to figure out if the Board will take care of both the additional license application issues and the renewal issues all at once. Cook stated that these are two separate issues, the first being the renewal that was due at the last meeting, and the second being his additional license application.

Evans stated that the Board should take them one at a time. Evans, starting with the renewal, inquired about the comments that pre-assignment training had not been listed on the Affidavit of Training. Cook stated that the pre-assignment training was missing for RoxAnn Gendron and that the Affidavit of Training showed zero employees. Mutchler stated that he could answer to the issue because RoxAnn is no longer a participant in his administrative or investigative portion of his private investigator license and that he has been a police officer

for 32 years so by statute the Affidavit of Training issue has been taken care of. Mutchler then quoted subdivision 4 of the statute regarding full time peace officers. Cook confirmed that Mutchler met the requirements, but that RoxAnn was an employee of his and she was doing investigations. Mutchler stated that RoxAnn was working for an attorney, not an employee of his. Mutchler commented there was some confusion over the matter but it has been clarified. Hodsdon stated that it had not been clarified because how he is even more confused because the meeting minutes indicated that Mutchler was asked if RoxAnn was the CFO, or what was her role. Hodsdon then asked Mutchler to explain what he meant by his statement that his attorney employed RoxAnn. Mutchler stated that RoxAnn did her investigative business through the law firm and that she assisted him with his business and as an accountant and business agent.

Wohlman addressed that Mutchler clearly stated at the previous meeting that RoxAnn worked under his license. Mutchler stated that he directed her, but that she worked for Kief Fuller Baer Law Firm out of Bemidji and that was who she apprenticed under. Mutchler apologized if he confused the Board but he had been confused as well with the line of questioning.

Hessel advised that as he remembers one of the questions asked of Mutchler at the last meeting was if RoxAnn ever did any investigations for him and he stated yes. Mutchler stated that she did do investigations but it was not for him if was for the law firm. Hessel advised he was just stating what he recalled.

Cook inquired if the law firm subcontracted RoxAnn and Mutchler advised that the Board would need to talk to RoxAnn about that because he does not recall. Cook asked if RoxAnn was an employee on the law firm's payroll and Mutchler stated that the Board would need to ask RoxAnn about that because he does not recall. Mutchler stated that when the law firm asked RoxAnn to do investigative work they asked him to direct her and he did.

Wohlman stated that RoxAnn is the CFO and Mutchler stated that she was but she is not anymore. Mutchler stated that he is doing this on his own now to satisfy the Board's needs. Hodsdon asked to confirm if that change happened between last month and this month and Mutchler confirmed. Hodsdon then inquired what would keep that from changing back if the Board were to renew the license stating that he does not want this to be an issue every few years. Mutchler advised that it was because of the issues the Board had with her background. Hodsdon confirmed there were issues and that would not change with the theft conviction and his concern is that there has been an issue with people who, for licensing purposes, change the number of employees they have at the time of their license renewal time. Hodsdon stated that some do it for economic reasons and the Board is working to address that, but that his concern is that as of today she is not an employee but if the license is renewed then as of tomorrow she is an employee again. Mutchler stated that RoxAnn has hired an attorney and is suing the Board for discrimination. Hodsdon inquired what Board RoxAnn is suing and Mutchler advised she is suing the Board of Private Detectives and Protective Agents because there are documented cases of racial discrimination. Mutchler offered to give the Board the examples if they would like them, but that it is RoxAnn' s case and not his and advised that she has disassociated herself from his business as a partner. Mutchler stated that she is here with him today as a friend, but it is a public meeting and he did not think she would be banned from the meeting. Hessel confirmed that is correct that it is a public meeting.

Hodsdon referred back to one of the questions on the renewal regarding the non-training aspect and inquired if he heard correctly that Mutchler stated that between the October meeting and today RoxAnn is no longer employed or working with him; Mutchler confirmed that was correct. Hodsdon advised that that would mean that prior to the October meeting she was working for him so the Board would still be looking for continuing education and other related records. Wohlman confirmed and stated that there was no background check done on RoxAnn. Mutchler advised that she was a partner at the time and he did not believe the statute stated that a partner needed to be background checked, only employees. Mutchler inquired if the attorney general

could advise on the issue. Fischmann advised he could not. Mutchler stated that he is just curious, and is trying to abide by the statutes but some areas of the statutes are not perfectly clear and this was one of the unclear areas. Wohlman stated that the CFO does need to have a background check done. Mutchler stated that he did not have Gendron as the CFO; he called her a business agent. Wohlman advised that he asked Mutchler if Gendron was his CFO and Mutchler stated she was. Mutchler advised that he must have misquoted what he official title was because he and Gendron had never discussed it. Wohlman inquired if Mutchler was retracting that Gendron was the CFO and Mutchler stated he was not, he was redefining it.

Hodsdon advised that the end date for Gendron' s affiliation with T&R Investigations would have been sometime between October and November 2014 and inquired from Mutchler when Gendron' s affiliation started. Mutchler advised that Gendron assisted him with the financial aspects of his business since he began the original application process; Cook stated it would have been between 2007 and 2009.

Cook inquired for clarification that the in the T&R the T stands for Thomas and the R for RoxAnn. Mutchler advised that the T&R stands for Truth's and Reliability.

Evans inquired if the ongoing obligation with a renewal for demonstrating good character, truth and honesty applies with each renewal and not just during the initial examination only; Cook advised that is correct.

Wohlman advised for the record that in the minutes it reflects that Wohlman had inquired what the R stood for in T&R Investigations and Mutchler answer to his inquiry was that the R is for his business partner RoxAnn. Mutchler stated that when the State asked for the name they did not ask him to define what the letters stood for. Mutchler advised that it was a conversation that was had between himself and Wohlman at the meeting, but in his official licensure of the business name he did not have to define what the T stood for and what the R stood for. Mutchler advised that she was a business partner and added that the Board can call it what they want.

Hodsdon advised that does not work for him because Mutchler made a statement today, November 25, 2014, that is directly contrary to what Mutchler told his associate on the Board. Hodsdon advised that one of the obligations that an applicant or licensee has is to be candid with the Board, and not make false statements. Hodsdon advised he does not want to sound like a stereotypical cross-examination defense lawyer but that he needs to know which time Mutchler was telling the Board the truth because he is hearing two different stories. Mutchler advised that when the Board brought this up at the October meeting he had no forewarning of it. Mutchler stated that at the last meeting the two men that went before him were not asked to sign their Tennessean warnings until after their interview, and Mutchler stated that he was required to sign his in advance so his opinion was that the meeting was adversarial from the start. Mutchler advised that he was trying to answer the questions to the best of his ability but without having the information on discovery, and what the Board was going to ask him, some of it was a little off the cuff. Mutchler added that he apologized for the confusion.

Evans advised, in defense of the Board, if Mutchler named his business after himself and his business partner Mutchler would know that and now he is telling the Board a different name. Mutchler stated there was no name to it, and he will call if whatever he wants and it is T&R Investigations. Evans added that the Board is asking him to be candid with them and to provide them with the answers to what they are asking. Evans advised the Board has asked these questions and he does not feel that they are very difficult questions for someone who owns and operates a business. Evans added that he does not know of this Board being involved in asking any difficult questions that Mutchler, as the owner and operator of the business, would not know. Mutchler acknowledged.

Wohlman stated that if the Board has a business that comes in stating they are AFI, Inc. the Board is going to ask them what the AFI stands for, and that is not a provocative question at all; Wohlman added it is not a trick question either. Mutchler stated that when he applied, and submitted the name to the State of Minnesota, they did not ask him what the T&R stood for. Evans acknowledged that the Board understands but that he feels that Mutchler can understand based on the line of questions the Board has for him that the Board is trying to ascertain that business relationship, which has changed in one month after the Board expressed concerns about the background of his employee, or business partner, or whatever Mutchler is calling her at any given time. Evans stated that what the Board is explaining is that Mutchler needs to demonstrate to the Board good character, the ability to be truthful and honest, and candid with the Board. Mutchler advised he is trying his best. Evans added that he has to express some of his own concern about some of the answers Mutchler has given the Board that have changed from the documented meeting minutes from the previous month and moving into this month as well. Evans advised that is why the Board is asking these questions and it is not to be adversarial just to be adversarial, but for the Board to understand the truth about how Mutchler's business is being operated so the Board can assure the citizens of the state that the business is being operated in good faith in the State of Minnesota and so the Board knows who is operating under the business license. Mutchler stated that he understands.

Evans inquired if there were additional questions on the renewal by any Board members. Hodsdon inquired if the other renewal paperwork in order. Cook advised that it was complete aside from not receiving the Affidavit of Training showing pre-assignment and this went back to the previous meeting when there was a discussion as to whether or not RoxAnn should be listed. Cook added that Mutchler advised that pre-assignment training had been done down in the cities. Mutchler confirmed that pre-assignment training had been done and he misstated that it had been done with Charles Thibodeau, it was not, and he had located the certificates. Cook advised that Mutchler is POST which takes care of his training, but that the question remains with Gendron, whether she was an employee of his, and if she was she would need to have taken pre-assignment training and there was no documentation of any training for Gendron.

Mutchler stated if the Board is concerned with Gendron rejoining his business that it would all be subject to tax records. Mutchler advised that he signed a release for all the information that the Board wanted from Mutchler and Gendron could provide a release each year if she did not have a problem submitting that. Hodsdon advised that RoxAnn is not subject to the jurisdiction of this Board because she is neither a licensee nor an applicant for a license but that she was subject to his jurisdiction, or she was up until some point last month, because she was associated with Mutchler's business. Hodsdon added that this is one issue with the renewal because there were people affiliated with the business and the Board does not have any evidence of the required training. Mutchler inquired if the Board was asking him to backdate the background process for the interim period. Hodsdon stated the Board is not asking him to have any document ever backdated. Hodsdon stated that there are certain documents that are required to be submitted as part of the renewal process and that is proof of training for the people that work with and for the license holder, which the Board did not receive from Mutchler, which is one part of the problem.

Hodsdon advised that in terms of the new license the Board did receive documents that created some concern for him, one being a file of MO from Sheriff Tom Burch that is troubling because based on the document Hodsdon is looking at states that Burch had been notified by Mutchler on May 14, 2014 that the misdemeanor theft charges were dismissed but the charges were continued for dismissal and were not actually dismissed until May 14, 2014. Hodsdon advised that the difference between a continuance for dismissal, as opposed to an outright dismissal, is that during that one year it is still a pending charge. Wohlman stated there would have been a probation period. Hodsdon stated that a continuance for dismissal is usually done under certain terms of conditions and probation and the court record that the Board has clearly states it was not dismissed on May 14, 2013; it was not dismissed until 2014. Hodsdon added this gives him concern about candor, and there are some additional documents from July 30, 2002 in which Mutchler was given a written reprimand, as the record

states, for violating a public policy on sick leave and violating a department policy by being less than truthful. Hodsdon stated for a licensed police officer, referring to previous case law Hodsdon quoted one of the documents received in which the reprimanding law enforcement supervisor stated Mutchler was not being truthful when given the opportunity.

Hodsdon advised that, from a consumer protection standpoint should the Board issues a license, that the Board is giving their stamp of approval that this person is good to go, and there are not any issues in the background, and it makes him nervous. Hodsdon added, from a consumer protection standpoint, someone would see that the person is duly licensed then they should not have to worry about discovery issues, Rule 9 issues, Giglio issues, and the consumers do if the Board were to issue a license to Mutchler; or even if the Board were to renew the current license now that the Board has uncovered the issue. Hodsdon stated that Police Officers are fired in the modern era and once they have been disciplined for making a false statement that never goes away.

Mutchler asked the Board if they would allow him to explain the situation, Hodsdon agreed. Mutchler advised that what Hodsdon is referring to is one man's statement who Mutchler had a direct conflict with as the Board will see in the documents and that in his entire personnel file the Board will not find one citizen complaint. Mutchler stated that in this particular incident involved a five day stretch of time off, three of the days being his scheduled time off, the other two being sick days that he had to apply for in advance to take a relative to a DR appointment. Mutchler corrected himself stating it involved three days of sick leave because there was a day in between that he was not going to drive all the way back from the cities to Bemidji. Mutchler stated he took that relative to the DR appointment then received a call from a friend who had lined up some out of state training for him so he had to make some calls to other family members to follow up on the next-days medical obligations for his loved one. Mutchler stated the next three days were his days off, and he had already applied for the three days as sick leave and took them as sick leave. Mutchler stated he had open conversations about what he did not his days when he got back. Mutchler added that the individual who wrote that document of discipline felt that there were some issues there and that he had called him in and they had a conversation about it. Mutchler advised that he apologized and in retrospect if he could have done it the day it happened he would have, taken two of the three days as vacation but that the first of the days he did fulfill his medical obligation and it was a sick day. Mutchler stated that since it was applied for an approved there was no way to change it later until payroll comes up, and that he did agree to change the days from sick days to vacation days. Mutchler noted that the individual likes to put stuff in his file, as the Board will see, that is the story.

Hodsdon advised that he did not receive any record that that discipline was ever reversed. Mutchler stated it was not, it was an agreed issue and he agreed to it. Hodsdon advised that means the Board has a sustained finding of a truthful statement. Mutchler stated it was a miscommunication. Hodsdon advised that is not the case, and if he were a criminal defense lawyer and Mutchler was going to testify in a preceding, that he would be able to argue that a supervisor, or Chief Deputy, has made a finding that this person has made an untruthful statements and has been disciplined for it. Hodsdon stated it does not mean it would be admissible in court, but that the county or city attorney when testifying in a case is obligated to disclose that to a defense counsel. Hodsdon stated that if Mutchler is doing to be doing private security work or private investigative work that potentially involves involvement in criminal prosecution as a government witness, which many private investigators are, that county or city attorney is going to be under that same obligation. Hodsdon stated that his concern is that the Board is asked to credential someone, and for someone who has that issue in his or her background and it is not going to go away. Wohlman agreed, stating the character part of it comes into play every time.

Mutchler inquired if that is consistent with all protective agents relicense classifications. Wohlman confirmed with character that it is. Hodsdon stated that he could say if this comes to his attention with anybody else who

is being renewed or applying for a license his perspective will be the same. Hodsdon added that speaking as an advocate for consumers he would be very unhappy with a licensing Board that told him to go ahead and hire someone and then it was found that there was a problem in the background that he wasn't aware of until if blew up in his face.

Mutchler stated that this is the same licensing Board that has relicensed an individual, #332, and he has a felony conviction for theft in his background. Mutchler advised that the Board has already set a precedent there that they make exceptions to the rules with explanations. Hodsdon stated he is not aware of that. Mutchler stated that Mr. Thomas Azzone, convicted of felony theft, appealed it to the appellate court and the appellate court ruled against him. Hodsdon stated that the license holder was given a presidential pardon. Mutchler stated that he was dismissed on all his issues. Hodsdon confirmed and stated the difference is not in the discipline. Hodsdon advised that the disciplinary false statement is a bigger issue to him than some of the other charges from a consumer protection standpoint and testifying in court. Mutchler stated another example, Daniel Walker license #255, was fired as a Chief of Police and did not get his job back for suspicion of stealing $50,000 from a fire department building fund and schedule I narcotics stolen from an evidence locker that he had the sole key to; Mutchler added that the Board relicensed him. Hodsdon and Wohlman both confirmed that the Board would like to look into that one as well. Hessel inquired where Walker was Chief at; Mutchler stated it was in Lewiston Minnesota. Mutchler advised that he does have several more names that he is going to keep to himself because his attorney wants to pursue it but if this is going to go down that road then he feels the Board should move on from this issue, or whatever issues the Board has, and they can take their vote and go from there.

- *NOTE: Dan Walker had requested of the Board to have his name and comments made by Mr. Mutchler removed from the Meeting Minutes. The Board reviewed the situation and determined they could not approve that request, but would allow Mr. Walker respond to Mr. Mutchler's comments in this document. At the end of these meeting minutes is Mr. Walker's response.*

Wohlman inquired about the 1988 incident; Mutchler inquired what about the incident Wohlman is inquiring about. Wohlman asked Mutchler to give them some information on the criminal sexual conduct incident. Mutchler referred to statute 326.3381s3 regarding disqualification includes full pardon or similar relief and Mutchler stated at the bottom of the page it states it was dismissed and he has a letter from the judge in that particular case. Mutchler stated his answer to that is that it had been dismissed so why does the Board have to go there.

Evans stated that the reason why the Board needs to go there is because he has a demonstrated history throughout the files that question some of the piece when it comes to demonstration of good character to the Board. Evans advised that it is not once incident that the Board is examining, it is a number of incidents that the Board has talked about through his employment, and through investigations that have been conducted on him that have been ongoing for a number of years. Evans stated that it is fair for this Board to determine how these incidents relate to his demonstration of good character to this Board. Evans advised that in regards to the statute Mutchler sited the Board would not consider dismissal to be the equivalent of a pardon; a pardon is not the equivalent of a dismissal in a court. Evans stated that the incidents have been investigated and the Board has facts from the investigations both from his department and from other agencies that have conducted them and the Board is asking Mutchler to explain these to the Board.

Mutchler acknowledged and asked what the Board would like him to explain. Hodsdon stated he would like to know about the letter from the judge because the judge has been passed away for some time so he would like to know what the letter says. Mutchler stated he would like the letter back, Hodsdon advised he certainly would get it back.

Mutchler stated that he would like to provide an answer to Cook's question regarding why he would want a copy of his personnel file since Mutchler should have reviewed it thoroughly before the meeting, Mutchler stated that his reasoning has to do with the fact that the letter from the judge was not included in the packet of information the Board received. Mutchler added that he feels that no investigators background packet is the same and that sometimes there are things missing and sometimes there are things added. Cook stated that would be no problem to give Mutchler the documentation. Cook stated that he did provide Mutchler with the documentation from Mutchler's data request, and inquired if he received it. Mutchler stated that he got some of it Friday night but he has not been at his computer since. Cook stated he believes he sent it Saturday morning. Mutchler stated there might be more that he did not receive yet. Cook stated for the record that everything that was provided to the Board he emailed to Mutchler. Mutchler stated again that his point was that the letter from the judge obviously was not in the packet, which is why he brought it along.

Hodsdon stated, so there is a record of what the applicant has indicated, Mutchler provided a To Whom it May Concern letter date June 9, 2000 from the Chambers of Judge James J Priest retired in which it stated that the case was dismissed at the request of the prosecutor and district court judge Paul Rasmussen and stated it was frivolous without foundation and should not be in the criminal history record. Hodsdon stated, with all due respect to Judge Priest who he appeared before many time, one of his colleagues' district court Judge Frederick, often called Fritz Weddell, certainly had a different perspective of the case being frivolous because he is the one who signed the probable cause statement on the criminal complaint. Hodsdon stated that often judges and lawyers may have a disagreement but there is one judge who says it was frivolous and another who says it was not as far as he was concerned. Wohlman addressed the Chair and stated that he would like to take a break for a couple minutes. Evans inquired if the Board would like to take a recess and the members agreed. Evans advised the meeting was being suspended for a couple minutes starting at 11:20 while the Board member takes a break.

With all Board members back from the break, Evans called the meeting back to order at 11:27.

Evans stated the Board has reviewed the letter and asked if the Board members had any questions. Hodsdon stated he did not have any questions in regards to the letter. Evans asked if the Board members had any further questions in general. Wohlman inquired what the letter Mutchler provided was pertaining to; Evans stated it was pertaining to the criminal charges. Wohlman inquired if the accusations were correct, or if the statements made by Jacquelyn were correct or false. Mutchler stated the context was inappropriate but the statements were true. Wohlman inquired what Mutchler meant by the context. Mutchler advised that Wohlman should read the dismissal, because she explains it well in the dismissal, adding that the dismissal was included. Wohlman acknowledged, but inquired about what she gave to the police department. Mutchler stated it was under duress and coercion. Wohlman acknowledged and inquired if the things she stated took place. Mutchler confirmed stating they took place among three consenting adults. Wohlman acknowledged.

Wohlman inquired why she would have gone to the police. Mutchler stated she did not go to the police the police went to her. Wohlman inquired how the police would have known about it. Mutchler advised that her mother reported it and that her mother did not approve of her behavior. Hessel and Wohlman both inquired how her mother knew about it. Mutchler stated that she and her mother had a conversation and that there was some conflict between the two of them resulting from some age differentials and it came up in conversation as a mom type of conversation. Hessel inquired if Mutchler was friends with her mother. Mutchler stated he was not, and that he did not know her mother. Evans inquired how old Mutchler was at the time. Mutchler advised he was 27.

Cook inquired, for the record, which of the incidents this was pertaining to. Wohlman stated it was in 1988 involving sexual misconduct. Hessel advised it was May 17, 1988. Hodsdon advised the complaint was signed by Judge Weddel, approved by Thomas Keys and then the Beltrami County Attorney and investigate being the

now retired BCA agents Steve Hagenow who was based out of the Bemidji office. Hodsdon added the case was ultimately dismissed after Thomas Keys issued the complaint and it must have been reassigned and given to James Wilson who, according to the dismissal document KX88568, appeared as a special assistant county attorney for Beltrami County as he was the county attorney over in Bagley, which was Clearwater County.

Cook inquired from Mutchler if there was another criminal sexual situation besides this one. Mutchler denied. Hessel inquired if Mutchler was working in Beltrami County at that time. Mutchler confirmed. Hessel inquired who the Sheriff was at the time, stating he assumed Mutchler was a deputy and not a police officer. Mutchler confirmed he was a deputy, and stated the Sheriff at the time was Orielle Norland.

Hessel advised that even though the charges were dismissed he finds it very troublesome. Mutchler stated that the Board did not have a problem with Thomas Azzone's pardon, stating that the integrity issue is still attached but he was pardoned. Hessel stated the Board is not talking about Thomas Azzone they are talking about Mutchler. Mutchler advised he was talking about precedent. Hessel advised he is talking about the incident. Mutchler stated that being honest about it the arbitrator felt the same way. Hessel stated he is just telling Mutchler how he feels about it. Mutchler acknowledged and stated Hessel is entitled to that. Hodsdon inquired what the arbitrator felt similar to. Mutchler stated he did not get his job back in Beltrami County. Hessel inquired if it was because of the incident. Mutchler confirmed. Mutchler added the arbitrator made a ruling, a judgment call, that he did not feel it was appropriate behavior for anyone let alone an off duty police officer and two adult age women.

Hodsdon inquired if the camera that was referenced in the complaint that Mutchler got from his squad car was county equipment. Mutchler stated he does not remember, and that he does not remember anything about a camera. Hessel inquired if the squad car was outside. Mutchler confirmed that it was, and that it was a take home squad. Hessel inquired if it was marked or unmarked. Mutchler advised it was marked. Wohlman stated the handcuffs were likely county equipment as well. Mutchler stated they were not county equipment they were his.

Hodsdon stated there is also a document signed by then Sheriff Randy Fisher dated January 4, 2008, which talks about a criminal history check being done for unauthorized purposes and inquired if Mutchler could tell the Board a little more about that. Mutchler inquired if his signature was on it acknowledging that document. Hodsdon stated the document he is looking at has only one signature and it is Sheriff Randy Fishers. Mutchler stated that he never received a copy of that but he will discuss it with the Board. Mutchler advised that the Fisher had a conversation with him about it but that he failed to tell him he was going to write a letter and put it in his file. Mutchler stated that the Mayor of a small town asked him to do a criminal history on an individual that was applying for Chief of Police in the City of Cass Lake, made an ICR, and did the criminal history. Mutchler stated that was against the BCA policy at the time.

Evans inquired if there were any more questions. Wohlman advised there is a lot of stuff here and it is mind-boggling.

Hessel advised that he would like to make a quick statement, and it probably does not have much to do with the case. Hessel stated that Mutchler has been a police officer for 32 years; Mutchler confirmed that is correct. Hessel stated he has been a police officer for 47 years and that he has had zero complaints against him in 47 years. Mutchler advised he does not either, there are no citizen complaints in any of the records, and they are all administrative. Hessel stated he did not have any administrative complaints either. Hessel added that he could not believe Mutchler is still a police officer, and it is shocking that POST did not take his license after some of the incidents. Mutchler thanked Hessel for his input.

Evans inquired if any of the Board members would like to make a motion. Hodsdon stated he would move the application for the new license be denied; Hessel seconded the motion. The motion passed unanimously.

Evans moved on to the second issue, with the renewal of the current license. Hodsdon stated he did not believe the agency had the complete renewal packet and at least until the issue of a person who had worked for, or as partner or CFO, is addressed by the person who worked for the organization.

Wohlman advised that his opinion and reverting back to 326.3381s3.2 under the disqualification where it says made any false statement in the application for a license or any documentation required or submitted to the Board, or failed to demonstrate good character, honesty or integrity, obviously Mutchler submitted any documentation that was provided to the agency. Wohlman added that where he has a problem is with the statements he made at the previous meeting to the statements he's made at this meeting, and that he feels that is making false statements and that is clear under the statutes that it is a disqualifying item. Due to this Wohlman' s thought would be to vote no on the renewal. Mutchler stated that he did not make any false statements and that it is a matter of context.

Evans advised that what he believes the Board member is trying to explain is that he believes it is a false statement, and asked if there is any further discussion from the Board or if what Wohlman stated was a motion. Wohlman stated he would move to deny the PI renewal. Fischmann inquired from Wohlman if he would specify what specific statute his decision was based on. Wohlman stated it was statute 326.3381s3.2 and 326.3381s3.3. Evans asked if there was any further discussion or if there was a second on the motion. Hodsdon seconded the motion. The motion passed unanimously.

Evans advised the renewal was denied as well and the Attorney General would provide some information. Fischmann advised that because the renewal and the new application were denied Mutchler has the opportunity to challenge the decision before an administrative law judge pursuant to Chapter 14 and added he could give Mutchler all the statutory sites now. Fischmann stated pursuant to Minnesota Statute 326.331.3 the applicant has the right to a contested hearing under Minnesota Statute Chapter 14. Fischmann stated he would give Mutchler his card so he, or his counsel if he has one, can contact him and they can work on it if Mutchler does choose to challenge the decision. Mutchler inquired if he would go through Fischmann and not Cook. Fischmann inquired if Mutchler meant for the legal challenge. Mutchler stated he was inquiring about the contested hearing. Fischmann confirmed it is through him. Mutchler inquired if there was anything else he needed to do with Cook. Cook advised he did not believe so. Mutchler inquired about his reimbursements. Cook advised that Mutchler would get a 50 percent reimbursement on the application but as far as the renewal goes, he has never had a situation like this and he would assume it is a general 50 percent reimbursement but he needs to look at it close. Cook stated he would do everything he can to make sure Mutchler gets all the monies owed to him.

Mutchler inquired if it could be part of the challenge as well. Cook inquired what Mutchler was referring to. Mutchler stated that some of the stuff the agency has had for months and cashed, but one of the checks the agency has not cashed yet. Cook stated he would need to check with Kelly and she is out today. Fischmann advised he could not say what the agency can and cannot charge. Cook stated again that he needs to look at it closer. Mutchler inquired if the Board had anything else. No Board members had anything further. Evans thanked him for his time.

At that time, RoxAnn Gendron asked to address the Board stating that she has a question. Evans advised that she certainly can and inquired if the Board needs to do the general Tennessean warning. Fischmann read the Tennessean Warning to Gendron explaining that she is not required to speak today and that anything she says could be used in proceedings against a license, and that he is aware she does not have a license up but that

she is not being forced to speak today. Gendron acknowledged. Fischmann asked her to speak her name for the Board; she confirmed her name is RoxAnn Gendron.

Gendron inquired about the Board members all talking about integrity and honesty, and stated that back on November 24, 2012 Thomas Azzone was arrested for prostitution in the city of St Paul. Gendron stated when his license renewal came before the Board Cook stated there was an issue with a misdemeanor offense that was discovered during the process. Gendron advised that Wohlman pointed out that the offense was not disqualifying and the Board approved him. Gendron inquired if she can ask why. Evans advised that is a comment she made to the Board and he is telling her the Board is here to examine Mutchler's license. Gendron stated that part is over and the Board went through the motions. Evans stated that the Board would not answer that question for her. Wohlman advised he has nothing in front of him right now to go back on that issue. Gendron acknowledged and stated she just wanted to hear it.

Lapsed Licenses:

Cook stated that Wayne Yule PDI #567 has passed away. Evans inquired if it would be lapsed. Cook stated the license would not need to be lapsed, because the license renewal was due at this meeting. It would therefore be surrendered. Cook advised he just wanted to make a note that the Board had discussed this.

Current Contingencies:

PATS, LLC – PAC-E #303
Cook explained that, as with all the pilot car license holders, he had sent PATS, LLC the letter drafted by the legal counsel at the Commissioner's office and explained that they needed to review the letter with their own legal counsel to determine if they needed licensing. Cook stated that he did not hear back, and that he sent another email to PATS, LLC and he still has not heard back. Cook stated that as of the November meeting this license is lapsed. Evans stated that there was no action needed at this time.

Great Plains – PDC #648
Cook explained that Kelly Guralnik was working on this and she is out of the office and he was not able to confirm if this was complete. Cook asked the Board to consider approving contingent upon receiving the check.

Wohlman moved to approve contingent upon receipt of the check; Hessel seconded the motion. The motion passed unanimously.

North Country Security, Inc. – PDC #571
Cook explained Kelly Guralnik was following up with them to determine what type of license they would like, private detective or protective agent. Cook advised that with Kelly out of the office he was not sure where she was with the issue. Evans inquired if it could be extended another month and Cook confirmed it cannot.

Wohlman moved to approve the renewal contingent upon determining the license type; Hessel seconded the motion. The motion passed unanimously.

MS Professional Services and Safety Consultants, Inc. PDC #1040
Cook explained there was a small amount of the renewal fee still due and he was unsure of the status of them payment. Cook advised the license could stay in contingency until the next meeting.

First Advantage Background Services Corporation PDC #1068 (Expires Dec 2014)
Cook explained that the renewal was missing a background consent form and the Affidavit of Training was incomplete. Cook stated he is unsure if Kelly has received any documents from the license holder. Cook

advised the contingency is good through December.

Gerald Whalen PDI 759 (Expires Dec 2014)
Cook explained that he believes the agency is still waiting on the Affidavit of Training and the contingency can continue into December.

Renewal Consent Agenda:

Cook is requesting a motion of approval for the following reissuance's due in November 2014 as they have provided all materials and have no issues:

License Number	License Type	License Holder
528	PDI	Don Davis
222	PAC	Elite Protection Services, Inc.
1071	PAC	Sentry Security, Inc.
945	PDC	Steele International, Inc.
1070	PDI	Jerry Allen Negen

Hessel moved to approve the reissuances listed above; Moen seconded the motion. Cook added that Geister should not be listed because it is lapsed. Evans stated the motion would be that #1063 comes out of lapsed status and the rest are renewed. Hessel and Moen agreed. The motion passed unanimously.

Renewals With Issues:

PDI #1066 T&R Investigations
Cook inquired if the Board would like to take care of this along with the PAI application. Evans confirmed.

PAC #313 – AEG Management TWN, LLC:
Cook advised there were some issue with the Affidavit of Training and that there is a letter in the packet from the license holder explaining the issues. Cook advised that the license holder did take full responsibility for the oversight, and stated there was no disciplinary history for this type of issue. Wohlman inquired if the Board has previously sent a Letter of Education and Conciliation. Cook advised that he is not sure since Kelly is not present. Cook advised if the Board would like they could make it a contingency to allow Kelly time to check into whether or not the Board has sent a Letter of Education and Conciliation to the license holder in the past.

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

PAC #1069 – Apollo Security International, Inc.:
Cook stated that they are waiting on an Informed Consent form from the CFO and Kelly has been in contact with the license holder and is working on this.

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

PDC #1014 – KIPPS Investigations, Inc.:
Cook stated there is a number of issues that Kelly stated were outstanding. Cook advised it looks like the agency is waiting on the insurance certificate; a check for the correct amount and it appears the license holder wants to apply for the additional license. Cook suggested the Board approve a contingency to work through the issues.

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

PAC #261 – Lakeside Protection, Inc.:
Cook stated the issue with this license holder's renewal is that the CFO does not match the agency records. Cook also stated that there are insurance certificates outstanding. Cook advised that Kelly has requested the information from the license holder and she is still awaiting a response.

Wohlman moved to approve a contingency; Hodsdon seconded the motion. The motion passed unanimously.

PAC #283 – Twin City Motorcycle Escort Corporation:
Cook advised that the issues are that the application stated seven employees but the Affidavit of Training (AOT) only shows 5 and that Kelly is awaiting some clarification.

Hodsdon moved to approve a contingency; Wohlman seconded the motion. The motion passed unanimously.

Surrendered Licenses:

Tri-State Security & Patrol Services, Inc. – PAC 204

Evans inquired if this was the only surrendered license; Cook confirmed.

Training Course and Instructor Approvals:

Type	Provider	Instructors	Course Name	Hours
CPA	PS Consulting Group, LLC	Doug Belton	Case Law for Public Safety Employees	3
CPA	PS Consulting Group, LLC	Doug Belton	Basic Report Writing	3
CPA	PS Consulting Group, LLC	Doug Belton	Advanced Report Writing	3

Evans asked if the Board had any questions. Wohlman inquired if everything looked OK; Cook confirmed.

Wohlman moved to approve the training courses listed above; Hessel seconded the motion. The motion passed unanimously.

Officer Change - Present:

There were no Officer Changes present at the meeting.

Officer Changes – Consent Agenda:

License Holder Business Name:	**Contemporary Services Corporation**
License Type/Number:	**PAC – 260**
Name of Officer	**Jon Kubes replacing Brett Arendt**
Type of Officer Change:	**QR & MM**
Physical Address:	**17101 Superior St. Northridge, CA 91325**
Local Address:	**420 23rd Ave SE Minneapolis, MN 55455**

Hodsdon moved to approve Jon Kubes to replace Brett Arendt as the Qualified Representative and Minnesota Manager for Contemporary Services Corporation; Hessel seconded the motion. The motion passed unanimously.

License Applicants – Consent Agenda:

Applicant Business Name:	**Ira E. Clark Detective Agency, Inc.**
Chief Executive Officer:	**Richard P. Curby**
Chief Financial Officer:	**N/A**
Qualified Representative:	**Richard P. Curby**
Minnesota Manager:	**Richard P. Curby**
Physical Address:	**10 Chestnut Evansville, IN 47713**
Type of License Applying For:	**PAC**

Cook addressed the consent agenda applicant, Ira E. Clark Detective Agency, Inc. and stated there are no issues with the applicant's qualifications and that the applicant is a long time license holder is several other states. Cook added that there is an issue with the bond. Cook stated that in the past the Board has approved applicants contingent upon a corrected bond.

Wohlman inquired if the agency received a bond from the applicant. Fischmann confirmed that he had received a bond and there were just a few very minor issues. Hodsdon inquired if it was fairly typical of a few minor corrections; Fischmann confirmed the few minor issues are very typical issues.

Evans inquired if there was a motion on the license applicant or if the Board would like to delay the applicant. Wohlman moved to approve the applicant contingent upon the bond approval by the attorney general's office; Hessel seconded the motion. The motion passed unanimously.

Additional License Applicants – Consent Agenda:

Cook advised the Board that the network was down the previous day and he was unable to make adjustments the Board meeting agenda. Cook advised that Ira E. Clark Detective Agency, Inc. was not an additional license application; it was a first time applicant. Cook stated that it was a consent agenda applicant because the applicant did meet all requirements.

Applicant Business Name:	**Advanced Private Investigations, Inc.**
Chief Executive Officer:	**Paul Shober**
Chief Financial Officer:	**Mark Roubik**
Qualified Representative:	**Paul Shober**
Minnesota Manager:	**Paul Shober**
Physical Address:	**2604 E Superior St Duluth, MN 55812**
Type of License Applying For:	**PAC**

Applicant Name:	**Don Davis**
Business Name:	**Authentic Investigations**
Physical Address:	**501 W Franklin Ave, Suite 310 Minneapolis, MN 55405**
Type of License Applying For:	**PAI**

Applicant Business Name:	**Sentry Security, Inc.**
Chief Executive Officer:	**Steven Carl Gaber**
Chief Financial Officer:	**Steven Carl Gaber**
Qualified Representative:	**Michael Lyman Sr.**
Minnesota Manager:	**Michael Lyman Sr.**
Physical Address:	**4342 15th Ave S, Suite 206 Fargo, ND 58103**
Type of License Applying For:	**PDC**

Applicant Name:	**Jerry Allen Negen**
Business Name:	**Negen's Investigative Services LLC**
Physical Address:	**219 South 4th Street Brainerd, MN 56401**
Type of License Applying For:	**PAI**

Evans confirmed that the four applicants listed about were consent agenda additional license applicants; Cook confirmed. Hodsdon inquired if additional license applicants meant the applicants have either a private detective or protective agent license already and they are applying for the other type of license. Cook confirmed and stated that overwhelmingly it has been private detective license holders applying for an additional protective agent license in order to adhere to the statutes. Hodsdon inquired if the agency is getting more applicants for the dual license; Cook confirmed. Hodsdon stated that the Board anticipated this, but that he felt the Board should just make it clear for the purpose of the minutes what it means when agenda address additional license applicants.

Evans inquired if any Board members had questions on the additional license applicants. With no questions Wohlman moved to approve the applicants listed on the additional license consent agenda except for Ira E. Clark agency; Hodsdon seconded the motion. The motion passed unanimously.

Other Issues and Discussion:

Cost of switching license
Cook stated he was not sure about the details on this and Kelly is not present. Cook inquired if this could be tabled until next month.

Hodsdon moved to table for agenda purposes; Hessel seconded. The motion passed unanimously.

Penalty Schedule
Cook stated he created a schedule for the Board to review because there needs to be some sort of a guideline. Wohlman stated he would caution voting on this but that it could be used as a guide. Wohlman stated once it

has been voted on it is has to stand and every case may be a little different and may not fit the guidelines depending on the conditions and the severity of the issue. Cook stated that is why he added "at the Board's discretion".

Hodsdon stated that his concern is that the stated Cook sent states that the Board has to do this by rule and it would need to be done by a rule change. Wohlman stated that by rule the Board has to do it. Hodsdon stated it says, "Set by rule". Fischmann stated there is no exemption for a rule making process like there is for several other statutes that allow for an amended or truncated rule making process and this does not call for that. Fischmann stated this would have to go through full rule making process.

Wohlman inquired if the Board cannot even have something to use as a guide. Hodsdon stated that it is similar to the Federal sentencing guidelines versus the State sentencing guidelines in that the Federal sentencing guidelines are a starting referencing point. Hodsdon added it is similar to the Minneapolis Police Department who uses a disciplinary matrix that is a starting point for analysis, but that matrix does not guarantee. Hodsdon stated that he does not disagree that Cooks guideline is a good framework for discussion in trying to provide some consistency and uniformity but that per the statute but if the Board is going to formally put it in place it would require rule making. Hodsdon stated it might be a good thing to put in for future legislative decision but for now, it would be best to use as a decision-making matrix. Wohlman confirmed stating he doubted the Board should vote on this at the current time. Hodsdon agreed stating that he believes the Board has to, legally, besides it being a good idea.

Hodsdon stated that for some of the bigger license holders the smaller penalties are the least of their concerns, they are more worried about the disciplinary actions. Hodsdon stated that he has been more inclined to use a Letter of Education and Conciliation because it is not disciplinary but more education and training which is consistent with the licensing rules. Hodsdon stated that some license holders have been battered over the years in terms of the rules and Cook has done a masterful job of changing that but that he does not disagree that at some point that has to change a little. Hodsdon added that he would not like to see fines be a revenue and he would much rather education as Cook has done a good job of doing. Hodsdon stated that he is not worried at all that the numbers are down.

Cook inquired if there was any further discussion on penalties. No Board members had any further discussion.

Blue Shield – Agency needs more time to develop information.
Cook stated that he needed more time to put information together on this issue.

<u>The Complaint Committee would like to make a recommendation to the Board regarding a license holder.</u>

Cook stated the complaint committee was going to request a closed meeting to make a recommendation on a penalty for a license holder that the agency has been dealing with for a while but that he would let the complaint committee take over.

Wohlman stated that the complaint committee could not make this recommendation today because by rule, or statute, the complaint committee cannot vote on the issue. Wohlman stated that the complaint committee has to present to the Board and they are not allowed to vote; only the Board members are. Wohlman added that there has to be a quorum and one Board member is missing so the complaint committee is going to table the issue until next month.

<u>Intern Sgt. Colleen Schellinger</u>

Hodsdon added that there was another item in regards to Colleen and the completion of her internship. Hodsdon advised he would like to move that the record reflect that the Board extend to her their thanks and appreciation to her for a job well done. Wohlman made that a motion; Hessel seconded that motion. The motion passed unanimously.

Cook stated that he would like to add for the record that as Colleen is looking for a career in law enforcement and if there were a background investigation being completed on Schellinger that the meeting minutes reflect that the Board gives her the highest of recommendations and that she has done a great job.

At that time, Hessel motioned to adjourn; Wohlman seconded. The motion passed unanimously.

There will be a Complaint Committee meeting following the Board meeting.
Next meeting is scheduled for December 30, 2014 at 10:00am.

*Dan Walker had requested of the Board to insert into the Meeting Minutes a response to allegations made by Thomas Mutchler. The Board approved and below is his response:

Dan Walker has been in touch with the Director and understands that totally inaccurate and libelous statements were made by Thomas Mutchler at the last board meeting.

I was part time interim Chief of Police for Lewiston Police Department in 2008. I was hired to stabilize the department and conduct an audit of the department including evidence handling by the prior chief who was terminated. A concern was raised by the Winona County Sheriff's Department. The results of the audit were that money was missing and narcotics were not dealt with in any evidence standard. Those results were turned over to the Winona County Attorney. The county attorney office did not look into nor comment on my findings. Findings were discussed with the Lewiston City Council and changes were made to the evidence system.

October 2008 I was replaced, at my request, as interim chief and continued employment with Lewiston Police Department as a police officer working part time. This was done as I had no interest in working in a full time position as the next chief of police and a qualified candidate had been identified. November 2008 the old council was voted out and the new council contained individuals that had different thoughts on how the department had dealt with the audit and change.

November 27, 2008 my step son was killed in an auto accident and I communicated with the new chief that I would not be available for a period of time. I covered limited shifts about a month later.

January 2009 the new council took office and terminated me for not covering a shift. The chief said that was not true and they still terminated.

I then sued for wrongful termination and during a hearing the chief stated that I never missed a shift. He was terminated soon after that. Please note I was a part time casual employee that was successful in suing due to the large amount of evidence that I was terminated improperly. That included statements from the chief and city administrator in my defense. Both were terminated after.

I was given a monetary settlement by the city after the hearings and chose to retire from law enforcement.

I have a valid inactive peace officer license issued by the State of Minnesota.

I have never been investigated nor brought up on any charges for theft of money or narcotics. Nowhere in an court system or law enforcement reporting system have I been noted as being a thief. I am flabbergasted that an individual, whom I have never met nor would have ever been involved in a department I have worked with would say such a libelous statement and that those libelous statements would be allowed to be placed in publicized minutes.

I am requesting those libelous statement be redacted from the board minutes and understand that if those statements are allowed to be published it will only promote the libelous statements.

Daniel Walker
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