STATE OF MINNESOTA

PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD

September 30, 2014 Meeting Minutes

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, Kelly Guralnik, Administrative Assistant

The meeting was called to order at 10:00 a.m. by Evans.

Review of August 2014 Meeting Minutes & Aging Reports:

Evans asked if the Board members that were present at the meeting had a chance to review the August 2014 meeting minutes and if there were any changes, additions or corrections that were needed. With no changes needed Hodsdon motioned to approve the minutes; Moen seconded the motion. The motion passed unanimously.

Evans inquired if Cook wanted to go through the aging reports. Cook advised that he provided the Board the reports for review. Evans advised the Board members to review and let Cook know if there were any questions. No Board members had questions.

Current Contingencies

Contemporary Services Corporation PAC #260

Cook briefly explained the issues with PAC 260 and the violations that occurred at their renewal. Cook then explained that he had been working with the license holder to correct the issues when he had been notified that the Minnesota Manager, Brett Arendt, had left the company. Cook advised that he could not follow up at this time because they are in the process of sending in the application for a new Minnesota Manager.

Wohlman inquired if Cook knows who is filling in for them now. Cook advised there was a gentlemen at the last meeting with Arendt, believes is the person who will be taking the Minnesota Manager position to John Kube, who attended the last meeting.

Evans inquired when the contingency expires. Cook advised they are no longer in contingency because the Board approved pending completion of all the issues and Cook is following up with them to ensure the issues have all been corrected. Evans stated that the agency would just need to keep monitoring where they are at and see if there is action that will need to be taken as the process moves along.

Gold Star Security, Inc. PAC #312

Cook explained that in error the intern sent the license holder the application packet instead of the renewal packet. Due to this error there are a few minor things still needed such as the workers comp form, Affidavit of Training and past insurance certificate. Cook explained that everything else is fine contingent upon those items and stated that maybe the Board would consider granting approval given the license holder provides those documents.

Wohlman advised it would be best to grant a contingency. Evans inquired if there was a motion. Moen moved to approve a contingency; Hessel seconded. The motion passed unanimously.

Professional Security Consultants PAC #337

Cook advised they are a larger employer and they had a large number of issues, but what have been provided to the Board are the items that were not resolved through communication with the license holder. Hodsdon asked to confirm that what Cook provided as of today has not been corrected. Cook confirmed and stated that the contingency is up so the Board may need to consider some form of action.

Evans inquired if the employees listed below have not completed what was needed. Cook corrected his previous statement and stated that the employees have completed what was needed but they did not do so in the correct amount of time. Guralnik advised that in review of the Affidavit of Training there were notes under the ones who had not completed Continuing Education in 2013 that they would make up the hours in 2014. Cook stated the Board did decide that license holders could use hours from a previous year, but did not presume they could use future hours retroactively to make up for the past year.

Hodsdon stated that his understanding is that these issues have been resolved so the Board can lift the contingency, but the questions is whether or not the Board wants to approve any form of disciplinary action or education action. Hodsdon stated that with no disciplinary history do a Letter of Education and Conciliation would be appropriate. Wohlman inquired if they have had any reprimands before and Cook advised that this was their first renewal.

Hessel inquired approximately how many employees the license holder has. Cook stated 69 is what they listed for employees on their renewal application.

Hodsdon stated that at a minimum he would think a Letter of Education and Conciliation, but asked if anyone else felt different. Wohlman stated that the Board's past practice would be a letter for the first violation, but because of the number of issues compared to the number of employees it could be listed as a severe on some of the violations. Hodsdon agreed stating that the pre-assignment in some cases were not completed for over a year and that the violations are 10% of their work force. Wohlman inquired if they should do a letter and a fine and Hodsdon stated that he feels this is a case where that would be appropriate, but inquired from the other members how much of a fine should be assessed. Wohlman stated he felt that a letter and a $200 fine would be good. Evans inquired if that was a motion. Wohlman confirmed that he would motion to approve the renewal with a Letter of Education and Conciliation and a $200 fine; Hessel seconded the motion. The motion passed unanimously.

Christopher Geister PDI #1063

Cook stated that Geister is present and that the license has lapsed because he was having some issues. Cook asked Geister if he would like to address the Board. Geister confirmed and informed the Board that he apologized for not getting this resolved soon enough. Geister stated that he has some medical issues and some complications with his eye that ultimately led to him being out work for a while.

AG Fischmann stopped Geister and stated that he wanted to make sure Geister was aware of something before he continued. Evans also asked Geister to come to the witness stated. Fischmann explained the Tennessean Warning to Geister. Geister acknowledged the information that Fischmann read to him and stated he understands.

Geister began again stating that his medical issues led to some financial issues because he is a one-man operation. Geister stated that he does have everything submitted now. Geister did add that there is a small issue with his training because he thought the 12-hour pre-assignment would cover his continuing education for the licensing period.

Cook stated his renewal date was in July and the contingency is up so the license is going into lapsed status. Geister confirmed that he has no plans to work in Minnesota until this is resolved. Geister also stated that he does most of his work in Wisconsin but he has a few cases that take him over the line so he got the license to make sure he stays in compliance. Geister stated that it would not put him out of business if he has to no work in Minnesota for a while until this can all be resolved. Cook stated it would not be until the next meeting at least because the Board has to approve the renewal. Geister acknowledged.

Wohlman explained to Geister that this means the license will be in lapsed status and that means he cannot do work in Minnesota until it is reviewed and approved by the Board the following month. Geister acknowledged that he understands.

Cook inquired if Geister does any protective agency work and Geister stated he does not. Hessel inquired if this was his first renewal and Geister confirmed it was. Evans thanked Geister for getting the renewal in and advised him to work with the Executive Director. Evan then stated that the license has moved into lapsed status.

Consent Agenda

License Number	License Type	License Holder
664	PDI	Dean C. Mikel
1018	PDI	William G. Nelson
526	PDI	Dean S. Stack
520	PDC	Commercial Reports, Inc.
659	PDC	Dahl & Associates, Inc.
300	PAC	Grade A Security, LLC

Evans reviewed the licenses listed above and asked if the Board members had any questions. With no questions, Evans asked if there is a motion to renew the consent agenda. Wohlman moved to approve the consent agenda; Hodsdon seconded the motion. The motion passed unanimously.

Renewals With Issues:

Thomas F. Mutchler – PDI 1066

Evans stated that the license holder stated he did not receive renewal material. Cook stated he has had communication issues with the license holder in the past. Cook stated that 2 months prior to the renewals the agency both mails and emails the packets to the license holders and that the agency keeps a log of when this occurs. Cook also stated that in his communication he asked the license holder why he did not contact the agency sooner if he did not receive the paperwork.

Wohlman inquired when the renewal date is and Cook stated it was September 1st. Hodsdon stated that this would need a contingency.

Cook advised the Board that the license holder is working on applying for an additional protective agent license as well. For the renewal, he took the original protective agent license application and changed the wording on it to 'Renewal' sending that in. Cook informed him they are actually two differently worded documents.

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

PATS, LLC – PAC-E 303

Evans explained that this is the pilot car issue that is still being examined with the Commissioner's office, MNDOT and the Board.

Cook confirmed and asked the Board to look at the letter in the back of their packets from the Commissioners legal counsel Joel Newton. Cook stated that he needed to make a statement to the pilot car people about regulation by the agency. Cook stated the way he interprets Newton's letter is that the agency will still regulate funeral escorts but they will no longer regulate pilot cars in regards to over dimensional loads on the highways. Cook advised the Board that he needs some kind of direction to let the pilot car license holders know. Cook stated that in regards to PATS, LLC he did not receive the renewal and when the contacted them to find out why they said they did not send the renewal because they are not sure that this agency regulates them anymore. Cook advised the Board that he did not have an answer to that for PATS, LLC.

Wohlman stated that Cook provided PATS, LLC with a good answer and that in this case the license will almost need to go into contingency until the State can determine what to do with this. Wohlman stated he does not blame them for not turning in the material because they should not have to pay out the money if the agency is no longer going to regulate them. Cook added that he knows the Commissioner's office is working on this.

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

Evans added that the letter outlines the Commissioners stance on the public safety of this particular issue. Evans stated that he is not sure the Board should take a stance on this. Evans added that the letter is outlining their perspective on which statutes it control. Evans stated that the license holders should really be taking the letter and consulting with their own legal counsel as to whether or not they feel they still need to be licensed by this Board because with any violation they are going to have to deal with the law enforcement agency that contacts them.

Evans stated the reason that he brings this up to the Board is because he believes this may become a legislative issue that may not be resolved until May so it may not be cleared up before the contingency is over.

Hodsdon agreed and said that this decision allows the Board to push the decisions down the road 60 days but the legislature is not going to meet in that time.

Great Plains Claims, Inc. – PDC 648

Cook stated that the check was missing with the renewal. Cook advised the license holder stated he had written it and thought it was with the paperwork but it has not been cashed. Cook advised a new check is being mailed to the agency and is also sending documentation on the insurance.

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

Dunbar Armored, Inc. – PAC 189

Cook explained there were some issues on the Affidavit of Training with dates of hire, completing pre-assignment training in time and issuance of an ID card. Cook stated there is no real need for a contingency.

Moen stated a Letter of Education and Conciliation would be appropriate, and moved to motion this. Wohlman seconded the motion. Evans inquired if the motion was to approve the renewal with the letter and Moen confirmed. The motion passed unanimously.

North Country Security, Inc. – PDC 571

Cook stated this is a private detective license holder and name is has the word security in it. Cook inquired if they are not doing private detective work and are only doing security work can the license type simply be switched to protective agent.

Hodsdon advised that what is in a name is significant if the Board is going to pursue unauthorized practice cases.

Cook advised that he can contact the license holder and explain it to them to change the name or get the other license. Hodsdon inquired what they have applied to renew under and Cook confirmed it was a private detective renewal. Hessel inquired if they should have gone under protective agent and Cook stated that the application does say security. Evans asked if the renewal is due this month and Cook confirmed. Hodsdon stated the Board could give them a contingency for their benefit to decide what action to take with their license type.

Evans inquired if there was a motion to approve the contingency and have the Executive Director work with the license holder on the type of license they need. Hodsdon moved to approve the contingency; Hessel seconded the motion. The motion passed unanimously.

Fairview Health Services – PAC 275

Cook advised that there were issues with employees not completing training in 2013. Cook stated there is nothing else that needs to be done in regard to the renewal.

Evans asked if there were questions. Hodsdon asked if the employees tried to double up on other years and Cook stated no. Moen inquired if this was their first renewal and Cook advised it is not. Hessel asked if they have had issues in the past and Cook confirmed they have, but many of the issues were tracking down CEO/CFO for signatures.

Hodsdon stated that he is concerned that they are missing training and he would want them to have the 6 hours regardless if they have to make it up this year and the renewal should be contingent on that. Wohlman added that they should provide a plan as to how they will accomplish this. Hodsdon stated that they would only have 60 days to get the missing training completed.

Moen inquired if a penalty is appropriate. Wohlman stated it probably will be but he would like to know the history first. Evans inquired if the Board would like to grant a contingency their plan at the next meeting. The Board agreed.

Evans asked if there was a motion. Wohlman moved to approve the contingency based on the license holder drafting up a plan to review at the next meeting; Moen seconded the motion. The motion passed unanimously.

Lapsed Licenses:

Joseph Collins – PDI 1037

Evans stated it looks like the materials had been received on the 60th day of the lapsed status. Cook stated Collins is present and would like to speak to the Board. Cook explained that the license was in a lapsed period for 60 days. Cook told him to submit the material within 60 days and he did get it in within 60 days, but with no time for review.

Evans then asked Collins to come to the witness stand. Fischmann then read the Tennessean Warning information to Collin and he acknowledged that he understood it. Cook stated the Board has all the documentation that Collins had submitted.

Collins stated he provided a letter to Cook that he believes is in the packet. Collins advised that 2013 and 2014 have been the reason for his being behind the eight-ball. Collins advised that in 2013 he had some health issues that left him out of work for several months, which strapped him financially. In 2014, he separated from his wife and was getting divorced. Collins stated that he was living mostly out of his car and using Wi-Fi in public places to try to do his work. Collins stated in June he went to the home to get some property from his office and discovered that she had vindictively bagged up all his things from his files, which he had provided pictures of.

Collins stated he got his act together and got some money together and that he is requesting that the material be reviewed and that the Board will grant his renewal.

Wohlman asked Collins to confirm that he was not doing any work during his lapsed status. Collins advised he was not and that he spent the time cleaning up the mess in the pictures and catching up on paperwork. Cook asked again to clarify that while Collins was in lapsed status he was not providing any investigative services. Collins stated no he was not. Hessel asked if Collins took the pictures and Collins confirmed.

Hodsdon stated the rules address this very clearly and that once the license is expired they have to apply for a new license. Cook stated that he had explained that to Collins but he wanted to address the Board.

Wohlman inquired when Collins submitted the paperwork to Cook. Cook advised that Collins emailed it to him the previous Wednesday and then had delivered the hard copies Friday of that week.

Hodsdon stated that he does not see anything in the Rules that allow the Board the authority to do anything other than what the Rules dictate. Hodsdon stated there are no exceptions in the Rules, so there is nothing that the Board can do at this point. Hodsdon stated there is no prejudice about Collins going to through the application process. Cook advised if he does reapply he would work with him on it.

Collins inquired what he needs to do on the reapplication process and Cook stated he would work with him on what he does and does not need. Hessel stated the big items would be the insurance and the bond.

Hodsdon also added that on the renewal the name is Topwater Investigation and Protective Services but that the license was a private detective license so this gives Collins the opportunity to clean that up. Collins stated he would drop protective services. Hessel inquired if he plans to provide both services. Collins stated when he first because licensed he did plan to provide both but not anymore.

At that time, Evans and the Board determined no motion was needed.

MAS Investigations – PDC 984

Evans stated that this did not need any Board action because the license is lapsed and he is not renewing because he feels the service he provides is not a licensable service. Cook confirmed this to be true.

Hodsdon advised that the license holder states that he does computer forensics and believes that it not a licensable service but depending on what type of computer forensics it is then Hodsdon may disagree with that observation. Hodsdon stated if they are doing something that falls within the Board's statutes then he feels it is a licensable service.

Cook advised there have been a lot of inquires about computer forensics and it needs to be looked at because there are a number of entities out there doing computer forensics who are not licensed.

Evans advised that he would second what Hodsdon statement because there are definitely things that computer forensics people do that would definitely be licensable by this Board. It would depend on what they are doing and what the scope of the practice is for the particular company. Hodsdon added if it was a CPA doing computer forensics they have an exception for CPA work but not if someone is doing computer forensics that a licensed police officer would do.

Cook advised that this could be addressed again when going over the legislative issues.

Hessel inquired if cell phones fall into computer forensics. Cook confirmed he believed so.

Surrendered Licenses:

USIS PDC #787

Evans asked Cook to confirm that this license was surrendered. Cook confirmed and stated that the company was contracted for doing federal background checks on federal employees and they ran into some legal issues due to a data breach so they are surrendering their license. Hessel inquired if they even need a license if they are working on a federal contract. Cook stated that the federal contracts stated that they want the entities to be licensed. Cook stated they were nationwide and have over 3,000 people doing federal background checks that they had to lay off.

Training Course & Instructor Approvals:

Type	Provider	Instructors	Course Name	HRS
CPD	Bradshaw & Bryant, PLLC (MAPI)	Michael Bryant	Personal Injury Investigations	2
CPA	AlliedBarton Security Services, LLC	Taymara Montague	Homeland Security Active Shooter Webinar and Follow-up Lecture/Discussion	3
CPA	AlliedBarton Security Services, LLC	Taymara Montague	Conflict Resolution for the Workplace	3

CPA	AlliedBarton Security Services, LLC	Taymara Montague	Capacity Building Through Teamwork and Leadership	3
CPA	AlliedBarton Security Services, LLC	Taymara Montague	Diversity and Inclusion for Security Officers	3
CPA	AlliedBarton Security Services, LLC	Taymara Montague	Verbal Defense and Influence	3
PPA	EPG Security Group	Brian Moran	Pre-Assignment Protective Agency Course	12
CPA	EPG Security Group	Brian Moran	Force Tactics and Alternate Techniques	6
CPDPA	Richard Hodsdon	Richard Hodsdon	Session Law Updates	4
CPD	Investigative Resource Group	Terry Wiggin	Private Detective Continuing Education 100	6
CPA	PS Consulting Group, LLC	Douglas Belton	CPR/AED	4
CPA	PS Consulting Group, LLC	Douglas Belton	First Aid	3
PPA	Security Solutions Protective Agency	Roy Richardson	SSPA 12 Hour Pre-assignment Training	12
CPA	Andrews International	Theodore Johnson	Unlawful Activities in the Mall	1
IA	Andrews International	Theodore Johnson	Handcuffs	6
CA	Andrews International	Theodore Johnson	Handcuffs	6

Provider	Instructors
Bradshaw & Bryant, PLLC (MAPI)	Michael Bryant
Andrews International	Ker Xiong
Andrews International	Cheng Vang
Andrews International	Thomas McKenzie
Securitas Security Services USA	Harold Algyer
General Security Services Corporation	Michael D. Warren
General Security Services Corporation	Jason Jay Mehr
EPG Security Group	Brian Moran
Security Solutions Protective Agency	Roy Richardson

Evans asked if the Board had any questions. Cook asked the Board to recognize the work Kelly Guralnik did with working on these files. With no questions Evans asked if there was a motion. Moen moved to approve the training and course instructors; Wohlman seconded the motion. The motion passed unanimously.

Officer Changes - Present

None at this time.

Officer Changes – Consent Agenda

License Holder Business Name:	Twin City Security, Inc.
License Type/Number:	PDC - 223
Name of Officer:	Larry J. Shrider replacing Larry T. Shrider
Type of Officer Change:	QR
Physical Address:	519 Coon Rapids Blvd Coon Rapids, MN 55433
Local Address:	519 Coon Rapids Blvd Coon Rapids, MN 55433
Date Received:	8/21/2014
Scope of Business:	Protective Agent

License Holder Business Name:	ERMC II, LP
License Type/Number:	PAP – 238
Name of Officer:	Michael J. Karasch replacing Marcellus Washington
Type of Officer Change:	MM
Physical Address:	6148 Lee Hwy Suite 300 Chattanooga, TN 37421
Local Address:	1178 Burnsville Ctr Burnsville, MN 55306

License Holder Business Name:	IFT, Inc.
License Type/Number:	PDC - 1059
Name of Officer:	Donald J. Perkins replacing Joseph Zicherman
Type of Officer Change:	CEO
Physical Address:	935 Pardee St Berkeley, CA 94710
Local Address:	3207 Vantassel Dr Bismark, ND 58501

License Holder Business Name:	IFT, Inc.
License Type/Number:	PDC - 1059
Name of Officer:	Karen Peak – filling vacant position
Type of Officer Change:	CFO
Physical Address:	935 Pardee St Berkeley, CA 94710
Local Address:	3207 Vantassel Dr Bismark, ND 58501

License Holder Business Name:	Dunbar Armored, Inc.
License Type/Number:	PAC – 189
Name of Officer:	Darren Nora replacing Justin Miller
Type of Officer Change:	MM
Physical Address:	50 Schilling Rd Hunt Valley, MD 21031
Local Address:	1600 Fillmore Ave NE Minneapolis, MN 55413

License Holder Business Name:	G4S Compliance & Investigations, Inc.

License Type/Number:	PDC – 1020
Name of Officer:	James J. Bonk replacing Alyssa Braner
Type of Officer Change:	MM
Physical Address:	910 Paverstone Dr Raleigh, NC 27615
Local Address:	12124 Chisholm St NE Blaine, MN 55449

Evans asked the members to review the information and ask any questions. Cook stated that he has all the files if anyone wants to review them and stated they are all qualified individuals that come mostly from within the company. Moen inquired on the first one about Larry J. Schrider replacing Larry T. Schrider. Cook advised that it is a father and son and the company has been around for 25 years.

Hodsdon moved to approve the consent agenda for officer changes; Hessel seconded the motion. The motion passed unanimously.

New License Applicants – Present:

Applicant Business Name:	CCHolm
Applicant Name:	Clifford M. Holm
Physical Address:	2109 28th Ave S. Minneapolis, MN 55406
Local Address:	2109 28th Ave S. Minneapolis, MN 55406
Type of License Applying For:	PDI

Evans asked Holm to come to the witness stand. Cook asked Holm for his Tennessean Warning.

Cook pointed out that Holm is a veteran and so his application was expedited and that he has been licensed in the past with the Board. Evans asked to provide a little information on his employment background and the scope of his anticipated business.

Holm stated his employment started with the Military where he worked in security, MP, and investigations. Holm stated after leaving the military he worked in private security and he was a police officer for the city of Brooklyn Center. Holm stated he then went into the private side and was a licensed private investigator and worked for Marriot for 15 years doing internal investigations. Holm stated in an effort to spend more time with his grandchildren he went to work for IDC dispatch and worked in the alarm system industry until they moved out of state. Holm stated that he is basically retired now, but will be retiring from Augustana Health care where he was doing vulnerable adult investigations as well as malpractice, abuse and theft cases. Holm stated the scope of his business would be working minimal cases with the people he has known as well as referral for some of the nursing homes in the city.

Evans asked if the Board has any questions for Holm. Wohlman stated that Holm's background is impeccable. Cook added that from his experience on the private side there is a definite need for elder abuse investigators and Holm is very well suited for that based on his experience.

Hessel motioned to approve Clifford M. Holm, business name CCHolm, be granted a PDI license with a waiver of the pre-assignment training; Wohlman seconded the motion. The motion passed unanimously. Cook added that the bond is good.

Holm added that he had already completed the 12-hour pre-assignment training due to the fact that he has been out of the field for a while and he wanted to find out what type of changes had been made. The Board commended him for his due diligence.

New License Applicants – Additional:

Applicant Business Name:	**A.S.P. of Moorhead, Inc.**
Chief Executive Officer:	**Kirby Sandvik**
Chief Financial Officer:	**Kirby Sandvik**
Qualified Representative:	**Virgil Anderson**
Physical Address:	**13129 Cormorant Breach Rd, lake Park , MN**
Type of License Applying For:	**Corporate Protective Agent**

Cook advised that A.S.P. of Moorhead, Inc. has been a long time license holder who wanted to step up and take care of the dual licensing issue as soon as they could. Cook stated that he has been working with them on some things but there are no issues and they are qualified.

Wohlman inquired if they are getting a protective agency license instead of only have the detective license. Cook confirmed they would have both types of licenses.

Hodsdon moved to grant the dual license; Moen seconded the motion. The motion passed unanimously.

Request to Speak to the Board:

Evans inquired if Cook wanted to discuss these now or wait until the Legislative session section. Cook stated to hold off on speaking to Thibodeau until later. Evans added that Collins had already addressed the Board.

Chuck Thibodeau
Joe Collins

Other Issues and Discussion:

Question from Dean Mikel - Twin City Security regarding Federal Contracts

Cook advised that Mikel had asked him to submit a letter to the Board regarding some concern he had with a recent determination the Board made about being exempt from the statutes if you are working for the federal government doing federally contracted work.

Hodsdon stated that the Fed's do have preemptive authority and they cannot require an FBI agency to get a POST license either. Evans agreed and stated that the discussion is in the meeting minutes and there is nothing additional to do at this time.

Cook stated he is just doing is job as the Executive Director and bringing the information from the license holder to the Board. Evans stated that he appreciates the license holder contacting the Board. Hodsdon added that no one on the Board disagreed with Mikel's point but there is nothing that the Board can do about it. Evans stated that he believes it would have been the Board preference to do what Mikel argues, but the Board does not have the authority.

Background Checks – Paid by Company or Employee

Cook stated that he is getting many reports that some license holders are having their employees come in and pay for their own background checks. Cook added that that state mandated training has to be paid by the employer.
Wohlman inquired if he sent Cook a copy of the law. Cook stated that he received a copy a letter but he is trying to get a cleaner version from Department of Labor.

Cook inquired if that addresses background checks as well. Wohlman advised it states anything that is mandated by the state. Cook then inquired if he can address the license holders in a broadcast notification and advise that they are responsible for paying for their employees background checks. Wohlman confirmed stating that the license holder is responsible for anything mandated by the state.

Hessel agreed and stated that if not addressed he can see where the license holders will just send their employees in to do their background checks and that is not good either. Cook advised they have had that situation and he just wanted to clarify with the Board.

Wohlman restated that it is mandated by the state and there is a law that says if it is mandated by the state the company had to pay for it or they have to reimburse the individual if the individual does pay for it.

Legislative Proposals

Evans stated that he would leave it up to the Executive Director as to how he wants to discuss the legislative proposals. Cook advised that he would facilitate this part of the meeting. Cook added that skipping down there would not be a closed-door meeting today as was originally listed in the agenda.

Cook inquired if Thibodeau would like to address the Board first on the letter that he had sent in. Thibodeau stepped to the witness stand and the AG confirmed that no Tennessean Warning needs to be read.

Thibodeau stated that he would be brief and that he just wants to know where the Board is at in regards to the letter that he sent in. Thibodeau stated that he spent some time on the issues and he is looking for an update. Cook inquired if Thibodeau is talking about the pilot car issues and Thibodeau confirmed he is talking about his legislative proposal letter.

Cook advised the Board that Thibodeau is one of the people in the industry who steps up and that the agency appreciates that. Thibodeau stated that there is and always has been a communication gap between the agency and the trainers. Thibodeau advised that any directives that come from the Board need to be provided to the trainers as well. Cook advised that Thibodeau could find it in the meeting minutes. Thibodeau stated that the meeting minutes are not specific enough. Thibodeau advised that the trainers need to know what the agency writes to the private detectives and protective agents so that the trainers can reiterate that information.

Hessel stated that Thibodeau makes a good point about the trainers. Cook stated that it is an easy fix because he will just include them on the broadcast emails and letters that go out. Thibodeau stated that if they are

included they can start to put the broadcast information into their training, it will not take much time and it is good discussion.
Cook advised Thibodeau that he would get him caught up on the broadcast letters that were sent out over the last year. Thibodeau advised that all the trainers really need to know what the license holders are being told by the Board otherwise they come in with questions and the trainers have never heard about it and they cannot answer their questions.

Thibodeau then inquired one example is that he has been asked recently how long the license holders should hold their records in case they are investigated later. Thibodeau stated that he knows his is 3 years because it is in his Rules. Thibodeau inquired if there is anything in the Rules that state a time frame for license holders because he has been asked the same questions twice this year. Cook advised that he has not seen anything in the Rules. Thibodeau advised that he did some research and the longest he could come up with is the IRS who says records should be kept for 7 years.

Hessel asked to confirm how long Thibodeau personal records; did he state 3 years. Thibodeau confirmed. Hessel advised he is just asking to determine how long he should hold his own. Thibodeau stated that he just destroyed 14 years' worth of records because his storage shed got water damage but that he has databases that have some of the records on it as well. However, Thibodeau stated he is not asking for himself he is asking because he gets this question often in the classroom. Hessel inquired what Thibodeau's response is when he gets asked. Thibodeau advised that he tells them that the 3 year mark has been kind of a standard for many industries but the IRS is 7 years so if they keep it for 7 years they should be good. Thibodeau stated that in no way should they be required to go back 9, 10, 11, or 12 years. Hessel stated that the IRS states 7 years but if they find something before that 7 years they can require them to keep going back further.

Wohlman added that it depends on what kind of records Thibodeau is talking about. Wohlman stated that if Thibodeau is talking about financial records 7 years is good enough but Wohlman advised if he has incident reports on employees he has hung onto the record for 26 years.

Thibodeau advised to make this shorter and thought that what the Board might want to think about is that they are the rule writers so if they can give some instruction it would help. Evans advised that Thibodeau does have a good point that this is a discussion the Board wants to look at for statutes, but records retention is something that has consistently come before the Board and the Board is not an attorney for all the license holders. Evans advised that something needs to be made very clear. The question of the opinion of the Board in regards to record retention is a great question, but it is not something that is within the purview of this Board.

Evans advised that at this meeting the Board wants to look at some of the requested statutes revisions and advised the Board as well to keep in mind that this year is not a policy year, it is a funding year. Evans advised that it is a good time to start this discussion, but he does not know that they will be pushing through massive bodies of legislation this year. Evans did add that they are looking at DPS a little different to help this Board move some of the initiatives that the Board would like to look at and to work with authors who work with the revisers in Minnesota and take in some of the recommendations that some have taken the time to send in.

Hessel added that what Thibodeau is bringing up would be more of a rule change that a Statute change; Moen agreed. Thibodeau advised that he thought the rule changes were done by the Board. Evans advised that it is his strong preference that the Board share that they engage in no rule making. Hodsdon added that anyone who knows how much rule making costs knows the Board does not have the money to do so. Hodsdon stated it is cheaper to get a statute passed then to do rule making.

Thibodeau advised that all the places he seen the retention times are all in the Rules. Evans stated that even the government sets their own retention policy based on what they think they may be looking at for various litigation related to any particular records they may have in light of the current states.

Cook inquired if Thibodeau's concern is more for accounting reasons. Thibodeau stated his concern is more for the agency's assistance. Thibodeau stated if the agency was to call him in on something, but he did not have it because he only kept 3 years of records it could be a problem.

Thibodeau then inquired about pilot cars and stated that he got a call from a client who did his own research. Thibodeau stated the person giving out information at the technical college is telling people they do not need a license and not making any specifications on it. Thibodeau advised that there are pilot car escorts out there that are going to get in trouble on the issue and he does not really know what the Board is going to do later when they find out these license holders are lapsed.

Hessel inquired how many pilot car companies are out there. Thibodeau stated he only had about 60 students come through a year and PATS, LLC was the biggest one. Cook stated that at one time the agency Googled pilot car Minnesota and came up with 69 entities and of those only three were licensed. Thibodeau stated that a lot of that has been cleared up. Hessel confirmed that he did not think there were too many out there.

Thibodeau stated that many of them are ma and pop operations of people who are retired and so they get in a car and drive down the road behind the truck and that has to go away. Thibodeau stated that he worked very hard to get the "citizen" taken out because that meant you could just pick anyone up off the street that wasn't doing anything that day and have them get in a car and drive behind the truck. Cook stated it is a situation that the Commissioner's office is working very hard on. Cook added that this all came about because a senator posed a bill because he wanted State Patrol to have more time to deal with speeders and other things, so they thought if they brought in citizens to do pilot cars is would allow the State Patrol more time to take care of what they had to do. Cook added that he does not really know how, but somehow it ended up in this agency. Thibodeau agreed stating that it should have been a MNDOT operation and it ended up in this agency.

Thibodeau then addressed the issue that they have no direction and they cannot answer any questions as trainers which makes them look bad because he is charging them a fee to come get education but he cannot properly educate them in that particular area. Thibodeau added that it seems like the issue has been dragging for a long, long time and it seems like a simple thing to fix.

Thibodeau was complete at that time; Evans thanked him for his time.

Evans inquired if there is a way that Cook wanted to work the legislative proposal discussion. Cook stated that he is planning to go through one by one and just get a yes or no, this year or next year, from the Board. Hodsdon inquired if they are still discussion this as a un-session philosophy. Evans stated it has been this administration goal to simplify governmental regulations where we can. Hodsdon confirmed that many of the things that Cook put out are in line with that approach.

Evan advised that the Commissioner's office has helped to clarify this is an independent Board and while there are some functions and administrative support provided by DPS it is still an independent Board so if there are legislative changes that they would like to see done then the Board can work in them and they will assist in things such as authoring and working with the revisers office in location any potential authors along the way.

Evans stated again that the goal is that this is a funding year and one thing that the Board has seen is that there is certainly some need for some administrative support for Executive Director and so this is what really

should be worked on is securing that administrative support through additional funding for this year and then any minor modifications but looking at next year as the policy year.

Before beginning, Cook paused to introduce Colleen Schellinger who is the newest intern to be working with the agency. Cook stated that the agency is sharing her with POR so she is only with the agency about 10 hours per week. Cook stated that Colleen comes to the agency with 9 years military police experience, she is currently active reserve military police and she is the rank of sergeant. Cook stated that it has been a pleasure having her here. Cook asked the Board to please welcome Colleen; the Board members welcomed her. Evans stated that he could vouch for her because he had her as a student and she performs very well. Cook added that she is very sharp.

Cook stated that he plans to move as quickly though the legislative proposals he put together as the Board can, but to preface Cook stated that he was asked by the BCA legal counsel to submit possible statute changes and to talk to the Board to see what changes they support. Cook stated that he laid the information out based on past meeting, discussions with the Board and his experience as the Executive Director and asked if the Board does not agree with anything to please let him know.

Cook also added that he is not saying they should do all of these this year but he is picking them out and they can be pushed to next but he hopes we can get a couple of them in this session. Cook added that pilot car's is one but that is already being discussed. Cook also stated that for each item you could face an opposition so you need to have your ducks in a row and there needs to be good rationalization and logic behind them.

1. Qualified Representative/Minnesota Manager merger of positions into one position.

The first issue that Cook addressed is the position of Qualified Representative and Minnesota Manager. Cook stated that having both positions is very redundant and that it creates more work for everyone involved. Cook advised the Board that he does not see a difference between them. Cook advised that he is looking for the removal of one of them and they title would be either Qualified Representative or Minnesota Manager.

Moen advised that her understanding was that these positions were more related to national firms to prevent some disconnect in regards to national requirements and what is going on in Minnesota. Moen inquired how merging the positions would address national disconnect concerns. Cook stated the representation would still be there, and also advised that it was determined by the AG representative at that time that the Minnesota Manager did not have to reside in Minnesota, so part of this may even be to strengthen the Statute to say that they have to have a Minnesota manager. However, Cook added that no other regional states require this and Cook does not feel that the agency needs two people to do these jobs; that one can handle it.

Moen inquired what requirements would the Qualified Representative have. Cook advised that he would like to remove the Qualified Representative from the requirements and just have a Minnesota Manager. Hodsdon advised that it makes sense to him and that there are often complaints that Minnesota is one of the most expensive places to get a license so if the agency can save them some money at no loss to consumer protection then why not get rid of it.

Wohlman stated that the only time the agency runs across this is with a foreign company where the Qualified Representative may be in Texas and the Minnesota manager is in Minnesota. Wohlman added that the Minnesota manager may not be qualified to be licensed but they are the Minnesota manager. Wohlman inquired if his thinking is correct. Cook confirmed by stating that it is just an addition thing because if you read the statute the Minnesota Manager does what the Qualified Representative does.

Hessel inquired if Cook is suggesting the elimination the Qualified Representative. Cook stated that he just wants to merge the two and give them one title. Hessel stated that Cook would still want a local person. Cook stated that it would need to be someone who is responsible for what is going on in Minnesota.

Cook stated that he should add that many of the things that he is proposing go along with the Governors proclamation to remove bureaucracy, streamline procedures and to put things in plain language.

Hodsdon advised if there is someone who can be held accountable in reference to the license then there is no reason to have two. Hodsdon added that the title is not important as long as they fall within the agencies statutes. Hodsdon stated that either merge them or abolish one but it would relieve some burdens on the industry.

Cook stated he is not going to ask for a vote since there seems to be a consensus, but when it comes to priority with 1 being most priority and 3 being the least how would you address the priority on this going forward on this year's issues. Wohlman stated he would give it at least a two, the other Board members agreed.

2. Minnesota Office

The second proposal has to do with the Minnesota office. Cook explained that the surrounding states do not have this requirement and there are ways around it. Cook advised that either this should be removed or it needs to be strengthened.

Wohlman stated that his concern on the proposal was not on the private detective side but more on the protective agent side. Wohlman said that the issue lies with the employees on the protective agent side, and that there should be a Minnesota office where someone can go and check in. Cook agreed with Wohlman.

Cook asked the board if anyone else had a comment. Hodsdon agreed with Wohlman in that he believes there isn't a need for private detectives. Hodsdon also stated that if the need for a Minnesota office for protective agents was to punish them for wrongdoings committed in our state, but there is already a provision for that.

Cook interjected that this has been a conflict with the board in the past. Hodsdon said that at a minimum there should be a Minnesota office for protective agents, and that he is not as concerned with the private detectives. Evans stated he had no preference. Cook asked the board if they felt the priority was level 3, all Board members agreed.

3. Board's enforcement of laws

The third proposal has to do with the language of the statute that says "to enforce all laws and rules governing private detectives and protective agents". Hodsdon stated he does not believe anything needs to be done other than education.

Cook stated that nothing needs to be changed but that it does need to be enforced. The Board agreed with no doing anything with the language.

4. Agents/Use of volunteers

The fourth proposal addressed the wording of a statute stating "or agents as it considers necessary" to included investigating unlicensed activity. Cook informed the board that a lot of private investigators and protective agents volunteer to work on unlicensed activity cases. Cook wants to make sure he is within the parameters of utilizing their help.

Hodsdon stated that he does not believe it is any different than having an intern and that it's fine to use volunteers. The board agreed that it's acceptable to use volunteers, and that the wording doesn't need to be changed.

5. Background Checks

The fifth proposal addresses background checks. Cook stated that currently applicants do not get FBI (national) background checks, and that they only get BCA state background checks run. Cook related that this has to do with public law 92-544, Federal Law, which states that the US Attorney General has to give authorization to use wording in our statute to allow for FBI checks on applicants.

Cook stated that applicants from out of state only get a Minnesota BCA check conducted, and that the agency is not doing its due diligence in conducting a thorough background check. The Board gave their full support to get FBI checks conducted. Hodsdon said that this is a number 1 priority, especially if removing Minnesota manager's positon. Cook stated that he does his due diligence when conducting backgrounds, but that an FBI would create consistency across the board.

6. Training Requirements – 21 day window for pre-assignment

The sixth proposal addressed training requirements. Cook stated that the employers have asked for 30 days instead of 21 days to get employees into pre-assignment training, because of trouble finding classes. Cook related that it wouldn't be difficult to simply change the wording for 21 days to 30 days. Hessel Stated that it is difficult to find training especially if classes aren't offered for a month. Hessel also related that he's not sure that an extra week will make a difference, but that he would be in favor of it.

Hodsdon stated that he has mixed feeling about it, and asked the question of what other profession allows you to practice your job without training. Hodsdon said that if they are going to become a professional pre-assignment training should be required. Hessel asked Hodsdon if he was saying instead of 21 days it would to 0 days. So the employee wouldn't be on site until they received pre-assignment training. Hodsdon said yes, that the thing to change would be before someone receives their license they should complete pre-assignment training. Hodsdon said that the date of the class wouldn't matter anymore, if the training were completed prior to working. Hessel addressed the fact that this would be cumbersome to smaller agencies. Evans stated that further discussion on the matter would be needed. Cook agreed, the board gave the proposals priority a level 3.

7. Security Uniforms and Vehicles

The next proposal addresses the need for a reference in Minnesota statute 626.88 on security guards uniforms/vehicles being different colors than peace officers. Cook stated he would like to include a reference to our statute so everything can be found in one place. All the board members agreed that there needs to be specific wording on the use of colors for security. Evans stated that the issue should be addressed with the revisor, and that they will be able to properly word and place the issue in the statute.

8. Unlicensed Activity

The following proposal addresses unlicensed activity. Cook stated he initially proposed for the offense to be a felony in the state of Minnesota, and in Michigan they turned it into a felony. Cook stated that there is already a law in place, and that the real issue is getting people to prosecute for the offense. Cook related the issue is more about educating law enforcement, the court system, the general public and other government agencies. Cook stated that turning a misdemeanor into a felony is more difficult than he originally believed. Hodsdon stated that it would be hard to change because other professions don't have felonies for worse offenses. Wohlman added that impersonating a police officer is only a misdemeanor. Evans stated that his personal preference is that it stays at a gross misdemeanor. Cook proposed that going forward they send a letter of education to prosecutors.

9. Application: Previous Employment

The next proposal addressed the application form that states the applicant must list all past and present occupations. Cook stated that in the past the board has pushed back applications that were missing employment history including the burger joint they worked at when they were 16. Cook informed the board that as long as the applicants do their due diligence to report all employment that is what he's going with. Hessel stated that he agrees that asking for employment history from over 25 years ago is ridiculous, and that he agrees with Cook.

Cook asked the board if there needs to be a statute change or if he is ok to continue doing his due diligence and conducting things his way. The board was unanimous is stating that Cook should continue as is.

10. Character, Competency and Integrity

The next proposal addresses the need for applicants to show 'good character, competency, and integrity'. Cook asked the board if they wanted the sentence to be more specific. Wohlman said that personally he thinks it should stay the way it is. The rest of the board agreed to leave the wording as is.

11. Application Documents

The next proposal addressed documents which accompany the application. Cook informed the board that one example is the photographs which applicants must provide. Cook stated that several photos he has received are not professional, and asked the board if guidelines should be provided. Hessel stated that listing specifically in the instructions what is required should be adequate. Hodsdon suggested that asking for a passport photograph would be preferred and easy for the file. Evans added that for background checks having passport photos is the standard. Cook thanked the board for their suggestions and insight.

12. Insurance Amounts

The next proposal addressed applicant's insurance policy, and that the statute doesn't list the amount the policy should be. Cook informed the board that most applicants do $1,000,000 occurrence and $2,000,000 aggregate. Cook asked the board if there needs to be a specific amount listed in the statute regarding insurance policies.

Wohlman stated that the insurance agencies dictate the amount of the insurance. Guralnik stated that insurance agents make a point to gather information and ensure that the coverage given justifies the business. Evans interjected that he would be concerned with putting a limit in the statute because it would infer that the board believes there is an adequate coverage amount, and some clients could require more or less coverage.

13. **Renewals: Listing of Employees**

The following proposal addressed license renewals. Cook stated that the renewal process does not state to list all employees past and present, but rather only their current employees. Cook related that employers were hiring and laying off employee's in-between renewal periods, and they weren't reporting if they were conducting background checks, training requirements and issuing identification cards. Cook stated he was looking to strengthen this by using the word 'ALL' instead of 'CURRENT'.

Wohlman said that one thing to keep in mind is that we cannot run a background check on someone until they are hired. Wohlman further stated that an employer isn't going to send an employee to training who didn't pass their background check. Cook said that was fine and the he is looking for that to be communicated. Evans stated that he liked the idea and believes employers should provide documentation on all their employees over the last two years. Cook said the employers' needs to be held accountable for their employees. Cook asked the board what priority level they would give the proposal. The board unanimously gave the proposal a level 2.

14. Expired Licenses: Certificates
The next proposal addressed the issue of when a license expired the license holder needs to physically surrender their license. Cook explained to the board that the licenses are dated and therefore he isn't concerned about physically receiving the license back. Cook informed the board he has told the license holders to shred their license when they expire. Wohlman stated that he doesn't have a problem with it being an expired license, but with a revoked license he does have a problem. The board agreed with Cook.

15. Change of Address Fee
The following proposal addresses notice of address change. Cook informed the board that this is a frequent issue and that the board charges $50 every time they change their address. Guralnik stated there isn't any specific language in the statute that states we can charge them, but that the rules state that the board can charge certain amounts for administration fees.

Cook related that the license holders pay the third highest fees in the Country, and moved to eliminate the fee. Evans asked Cook if a new certificate is generated, Cook stated that a new certificate is generated and mailed out. Evans stated that he wouldn't want to completely eliminate the fee, but change is to something more reasonable. Evans stated that a motion would be needed and that it should be put on next month's board meeting agenda.

16. Officer Changes
The next proposal addressed officer changes regarding appointing a new officer within 7 days. Cook related that this is a continuous problem. Hessel asked if the employer needs to find a new employee in 7 days or if they just need to inform the board that they have an opening. Cook related that the employer must inform the board of the vacancy within 7 days. Cook said that there isn't a time frame required for when they need to have someone fill the positon. Cook said he is asking for a line to be added stating that the position must be filled within a certain amount of time.

Wohlman stated that he is reluctant to tell someone how to run their business, and what they must do. Wolhman said that the board could be blamed for bad hiring decisions if we set a timeframe. Hessel suggested using the word interim. Cook stated that Hessel made a good point, and that the employers should appoint someone in the interim until they find a permanent person. Hodsdon asked if we could send a letter stating that we received their notification and ask who the interim appointment will be. The board agrees with sending a letter of notification and asking for the interim employee's name.

17. Application Fees
The next proposal addressed application fees. Cook informed the board that the agency has been charging $25 to send out an application. Cook related that he wants to put the applications online and not charge a fee. Cook stated that he is trying to remove bureaucracy and streamline things. Cook stated that mailing out applications takes a lot of time. Wohlman moved to add the issue to next month's agenda, Hessel seconded. All board members agreed.

Cook requested to discuss bug sweeps and computer forensics. Cook stated that last month the board determined that bug sweeping is a licensed activity. The board agreed that that is what they decided. Cook then moved onto computer forensics. Cook asked the board is computer forensics is a licensable offense. Cook stated he has been receiving many inquiries, including Freedom of Information Act and Data Requests on the subject.

Hodsdon said that he wants to know why they are doing the computer forensics, what is the purpose; are they investigating crimes or wrongdoings, investigating habits of employees, stolen property. Hodsdon said for any

of those reason it is a licensable activity. Evans said that a helpful analogy would be to think of a computer like a filing cabinet. If an examiner takes the filing cabinet from the client and unlocks it into a readable content, then you are in a situation that isn't licensable. If however, the computer examiner unlocks it, goes through all the files and put them in order for the crime you are investigating, that crosses the line into a licensable activity. Then they are actually doing an analysis for their client, which would be licensable. Evans stated that he believes what is occurring in the private sector is a licensable activity.

Evans stated that he isn't aware of any other licensing agency that regulates computer forensics. Evans and Hodsdon said that key word is investigation. Cook said for example if they are taking information and plotting it on a map to show what they found, would that be investigation. Evans said yes. Cook thanked the board for clarifying the explanation for him.

Cook said that the priority issues are pilot cars and FBI checks. Cook asked if he missed anything in general with what the board is concerned with. Wohlman said that the only thing he is concerned with is the disciplinary actions and the fee of $500. Wohlman said that it is outdated and that it should be $1500 at a minimum. Wohlman said that if he dropped his liability insurance for 6 months the fee would be cheaper than reinstating it. Evans asked that the board explore what the fees could be.

Evans asked if there was a motion to adjourn. Hessel motioned to adjourn the meeting, Evans seconded. All boards' members were in favor.

The meeting was called to an end at 12:05 p.m. by Evans.

Next meeting is scheduled for Tuesday, October 28th, 2014 at 10:00 a.m.

There will be a Complaint Committee meeting following the Board meeting.