

STATE OF MINNESOTA

PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD

MEETING – February 27, 2012

LOCATION – 1430 Maryland Avenue East, St. Paul, Minnesota

MEMBERS PRESENT – Dave Bjerga, Jim Hessel, Pat Moen and Steve Wohlman

ATTORNEY GENERAL REPRESENTATIVE – Sara Boeshans

EXECUTIVE DIRECTOR – Marie Ohman

The meeting was called to order at 8:30 a.m. The minutes of the January 30, 2012 Board meeting were presented for approval. Moen motioned to approve, second by Wohlman. The vote was unanimous.

New License Applicants

1. Donald Sazma
dba/Astro Investigations
2392 72nd Court East
Inver Grove Heights, MN 55076

Sazma is currently a deputy for Ramsey County Sheriff's Office. He has a specific agreement with the county concerning areas of work that are open to him while still employed. The county has indicated that they do not have specific concern regarding conflict of interest with the agreement that they have with Sazma. Sazma noted his understanding of the potential conflict and intends to honor his agreement with his employer. If licensed, Sazma indicated he plans to work on matters regarding crimes against the elderly. If licensed, he has no plans to be armed in the course of licensed work. Hessel motioned to approve the Individual Private Detective license and waive Preassignment Training, second by Wohlman. Sazma noted that he had taken the Preassignment Training. The vote was unanimous.

2. Miller Protection Services, Inc.
Robert Miller, Qualified Representative
Lee Edwards, Minnesota Manager
313 East Baltimore
Detroit, MI 48202
LOCAL: TBD

Miller indicated that his company is also licensed in Michigan, New York, Ohio, and Georgia, and have approximately 65 employees in those locations. He is not certain about the projection of the number of employees planned for Minnesota. Miller indicated that their primary provide uniformed security services in several environments; government contracts, libraries and other commercial business accounts. Miller is a retired Detroit police officer after 26-years. He indicated no issue of discipline in the other states where they are licensed.

Edwards is currently employed by the Minneapolis Police Department. He has had several assignments, patrol and investigative, including homicide and Internal Affairs.

Miller indicated that he primarily does the security audits and surveys work, and will be working with Edwards on those matters as they arise. Miller indicated that they have their own training programs and will likely be submitting them for approval. Bjerga motioned the license be issued, waiving Preassignment Training for both Miller and Edwards, the second was made by Wohlman. The vote was unanimous.

Consent Agenda (Reissuance)

The following reissuances for February were presented as complete with no issues. Bjerga motioned to approve the reissuances, second by Moen. The motion passed unanimously.

1. Security Specialists, Inc.
Mark Ehlenz, Qualified Representative
2830 Woodridge Lane
Stillwater, MN 55082
Corporate/LLC Protective Agent
2. Charles Loesch
dba/Viper Intelligence & Response Agency
dba/Intelligence & Response Agency
11094 181st St W
Lakeville, MN 55044
Individual Private Detective
3. Timothy Braatz
dba/Atlas Investigations
1921 Viola Road Northeast
Rochester, MN 55906
Individual Private Detective

License Reissuances

The Board unanimously issued a contingent license (motion by Wohlman, second by Moen) pending the receipt of outstanding items noted:

1. Julianne Mossak
dba/Mossak & Associates
dba/J.L. Mossak & Associates
dba/Background Business Intelligence & Attorney Services
1532 Nolan Avenue North
Stillwater, MN 55082
Individual Private Detective

*Clarification on processes completed on referenced employees.

Guest

The Board had requested a presentation of the Department of Public Safety (“DPS”), Driver and Vehicle Services (“DVS”) Division regarding the change in the manner of access of DVS record data by private detective and security firms. Dawn Olson, DVS Program Director and Kim Jacobson, DVS Data Practices Coordinator, attended to share information about the change in access.

Olson indicated that DVS is charged with ensuring that both state and federal law and Department of Public Safety business practices are followed. Jacobson noted that her role is to identify those who have access to DVS record data and ensure that the access is being used properly. She provided that it has been a misconception that the change in the process for private detectives, protective agents and other practitioners is related to a high profile case dealing with the law enforcement community. DVS has been reviewing the matter of policy on access since September 2010. The review has included who has had access and why the access to the record(s) has been given. Jacobson noted that they have removed access to the DVS records from private attorneys (because DVS needed documentation in connection with court proceedings) and in turn looked at private detectives who work for those private attorneys. It is necessary for DVS to be able to capture information about court cases to ensure access is properly granted.

Both Olson and Jacobson indicated a great deal of thought and effort went into this change in access as a part of DVS’s ongoing effort to be in compliance with the law. Their review was of practices and interpretation of federal statute. The change was implemented after internal collaboration, not by any one person. Their review included the “permissible” uses referenced in the federal law 18 U.S.C. § 2721 (8) for use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection, with a specific secondary use documented for access. Their review found that there was an inability to verify the reason for the information release.

Olson noted that they have one individual, Jacobson, assigned to review the incoming requests. She added that DVS does want to give private detectives the information needed to work, but they must also follow the law. Jacobson indicated that there had been 49 license holders that had online access. Since the change in access occurred three of those subscribers have been granted access again because they qualified pursuant to the statute and comply with DPS permissible online access criteria.

There were several private investigators present to hear the presentation and provided that their concerns are timeliness of data, waiting a week for a decision from DVS can prevent license holders from (for example) finding an important witness. There was also a lack of information concerning any restored access that could be given. Jacobson also clarified a misconception that the DVS records are public; they are not, the law changed in 1999. Investigators also queried about being allowed access when they are properly screened for license, when other practices who are being given online access, such as insurance agents, are not screened as license holders are.

Jacobson noted that DVS plans that when their computer system is updated it will allow for identification of the permissible use required.

Other license holders asked about signing a blanket authorization, perhaps doing it periodically that would allow re-instatement of the online access. Would be less work than having each individual request vetted by DVS? Olson noted that there is accountability at the time of access; any Intended Use Agreement must fit within the permissible uses. She also emphasized DVS responsibility as custodians of citizen information. DVS has adopted a strict policy of access based on the interpretation of federal law.

Olson understood that this has not been an easy transition and that looking for alternatives is important; however, technologically it is not an easy fix, so presently it is a manual process to review the requests that are submitted. Olson appreciated the opportunity to connect with people at this meeting and is open to hearing ideas.

Bjerga indicated his willingness to speak with the general counsel who worked with DVS in the review process, to ensure understanding and bring a willingness to work together on a potential solution.

Contingent matters

October:

EBG, Inc.
dba/Corporate Security and Investigations
dba/CSI
Elliott Gilchrist, Qualified Representative
Corporate/LLC Private Detective

The Board had lifted the EBG contingent license in January, with the conditions that Gilchrist supply the required completion dates of BCA and FBI record checks and accurate insurance documentation. The record check completion dates had not yet been received, and it was learned that there was a lapse in insurance coverage for four-months. Wohlman motioned a \$200 administrative penalty for lapse of insurance coverage and failure to respond to the criminal history process, noting culpability of the license holder, potential harm and prior history. Moen seconded. The vote was unanimous.

December:

Signal 88 Franchise Group, Inc.
dba/Signal 88 Security
Walter Soto, Qualified Representative & Minnesota Manager
Corporate/LLC Protective Agent

There remain to be outstanding issues of compliance; criminal history completion dates, completed Chief Financial Officer information and application and a more accurate picture on the role of Minnesota Manager. There have been multiple communications and responses have been slow and incomplete. Bjerga motioned that the Signal 88 Franchise Group, Inc., dba/Signal 88 Security license go to a lapsed status, second by Wohlman. The vote was unanimous.

Our Gang Staffing, Inc.
David Zins, Qualified Representative
Corporate/LLC Protective Agent

There are items that remain to require the company's attention; related to a change in address, bonding, proof of financial responsibility and a training issue. Bjerga motioned that the contingency be extended, that the company be notified that all items must be complied with prior to the Board's March meeting and Zins must attend that meeting if all are items are not complete and correct. If the materials are complete, no appearance will be needed. The Board will consider penalty at that meeting as well. The motion was seconded by Wohlman. The vote was unanimous.

ERMC, LP
Rodney Jackson, Qualified Representative
Scott Carter, Minnesota Manager
Partnership Protective Agent

The outstanding issues relate to training that the company used to meet annual requirements. Given that the problem is more closely tied to the training provider, Bjerga motioned that the contingency be lifted and the license reissued, second by Hessel. Ohman will be working with the training provider. The vote was unanimous.

IPC International Corporation
Donald Lantz, Qualified Representative
James Morowczyski, Minnesota Manager
Corporate/LLC Protective Agent

The company had primarily training compliance issues; courses and instructors that were not approved. Wohlman moved to lift the contingency and issue a Letter of Education and Conciliation regarding the training matter; second by Hessel. The vote was unanimous.

AKAL Security, Inc.
Dan Dunlevy, Qualified Representative & Minnesota Manager
Corporate/LLC Protective Agent

They did not report their Qualified Representative and Minnesota Manager on their Affidavit and were not trained, though they are now taking training. We are still waiting for documentation of record checks. Also they took Private Detective courses, not Protective Agent courses. Bjerga motioned to handle the training issues in a letter and to approve the license upon receipt of

record check dates, as well as to issue a Letter of Education and Conciliation regarding the training. Hessel seconded. The motion passed unanimously.

Penalty Considerations

Special Response Corporation
Martin Herman, Qualified Representative
David Mars, Minnesota Manager
Corporate/LLC Protective Agent

The license had been reissued, having complied with criminal history checks, training documentation and addressed issues relating to an address change. Bjerga motioned a \$100 administrative penalty, for compliance with criminal history checks, training, address issues, and the lengthy time that it took to respond with all required elements, second by Moen. The vote was unanimous.

Glenn Fladmark
dba/Maplewood Research Company
dba/Maplewood Research
Individual Private Detective

The Complaint Committee referred this matter to the full Board for penalty consideration; Fladmark had changed his address in 2010 and provided no notice of that change as required by statute. Moen moved the imposition of a \$100 administrative penalty for lack of notice and the lack of prompt communications, citing culpability and potential harm, second by Bjerga. The vote was unanimous.

Twin City Lawmen, Inc.
David Mars, Qualified Representative
Corporate/LLC Private Detective

The Complaint Committee referred this matter to the full Board for penalty consideration; Twin City Lawmen had changed their address and Chief Financial Officer and had not having provided prompt notice and documentation required, as well as a lengthy process needed for all items to be received. Wohlman motioned for a \$100 administrative penalty, citing culpability, potential harm and penalty history, second by Hessel. The vote was unanimous.

Peart & Associates, Inc.
dba/P & A Security
dba/Data Central
Darald Peart, Qualified Representative
Corporate/LLC Private Detective

The Board discussed compliance with criminal history requirements and Peart's compliance with completion of the record check on two employees.

SecureForce, LLC
Joseph Szcorsik, Qualified Representative
Corporate/LLC Protective Agent

The Complaint Committee referred this matter to the full Board for penalty consideration; Szcorsik acknowledged to the Complaint Committee that he did not have a contract for services for work in Minnesota, and the work was being subcontracted to him. He was advised of Minnesota Statute 326.3381, Subd. 1, and Administrative Rule 7506.0150, Subp.4 and the need to remedy the matter; he failed to do so. The Complaint Committee identified this as a serious violation, the Board concurred. Bjerga motioned that a \$499 administrative penalty be imposed, citing culpability, potential harm and penalty history, adding that Szcorsik be directed to attend the Board's next meeting to discuss his failure to respond, second by Wohlman.. The vote was unanimous.

Discussion

1. Process Improvement Update – Ohman shared information pertaining to items that have been accomplished in connection with process change, including; revision of penalty history, consent agenda and setting a 7-day prior receipt policy for business before a meeting. A number of items are underway; forms inventory and review/redesign, web site review for content and arrangement and development of new information for the web site. Additionally, Ohman will be meeting with an OET representative to discuss their assistance on web site revision.
2. Legislative Update – Ohman noted several bills that she'd become aware of, most dealing with rules and changes to regulatory oversight (not specifically the Board's).
3. Greg Cook, Northern Integrity Investigations and Consulting Group, LLC indicated his interest in making a presentation to the Board regarding unlicensed activity. The April meeting will allow for that opportunity.
4. Training Provider, Jim Owens, was present with questions concerning his approved training. Ohman will be reviewing his materials regarding the courses approved and his questions.

The meeting adjourned 11:15 a.m.

The next meeting of the Board will be Monday, March 26, 2012, 8:30 a.m. at 1430 Maryland Avenue East, St. Paul, Minnesota.