

**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD  
OF PRIVATE INVESTIGATOR AND PRIVATE FIRE INVESTIGATOR  
EXAMINERS AND JOHN CLIFTON ECKLUND**

Come now John Clifton Ecklund (“Licensee”) and the Missouri Board of Private Investigator and Private Fire Investigator Examiners (“Board”) and enter into this settlement agreement for the purpose of resolving the question of whether Licensee’s private investigator license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo<sup>1</sup>, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri (“AHC”) regarding cause to discipline the Licensee’s license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensee acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a disciplinary hearing before the Board at which

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<sup>1</sup> All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

time he may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against his licenses. Being aware of these rights provided it by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to him.

Pursuant to § 621.045.4(2), RSMo, Licensee shall have sixty (60) days from the date of mailing to consider the Board's settlement offer and respond to the Board to discuss the settlement offer.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license, numbered 2010012012 is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 324, RSMo.

Joint Stipulation of Fact and Conclusions of Law

1. The Board is an agency of the State of Missouri created and established by § 324.1102, RSMo, for the purpose of executing and enforcing the provisions of §§ 324.1100 to 324.1148, RSMo, relating to the practice of private investigation and private fire investigation.

2. Licensee holds a Missouri private investigator license, license number 2010012012. The Board issued Licensee's license on April 13, 2010. Licensee's license expired on April 30, 2014 due to non-renewal.

3. On or about May 20, 2014, the Board received notification from Lee's Summit Police Department Officer Ryan Brownell that Licensee had been arrested for impersonating a police officer.

4. On or about June 3, 2014, the Board referred the case to the Central Investigation Unit. During the course of his investigation, which included the review of police reports and interviews, CIU Investigator Kevin Lager learned the following:

- a. On May 9, 2014, Licensee became agitated at a driver on the road, D.S., because of D.S.'s perceived unsafe driving. Licensee followed D.S. to his home and angrily yelled at D.S. while allegedly showing D.S. a badge and claiming he (Licensee) was a detective. D.S.'s neighbor, an off-duty police officer, witnessed Licensee's actions and notified the Lee Summit police.
- b. On May 9, 2014, the Lee's Summit police arrested Licensee for assault and impersonating a police officer and confiscated his private investigator's license.
- c. On September 17, 2014, Licensee entered a guilty plea to the assault charge, a municipal ordinance . The Court suspended imposition of

sentence and ordered Licensee to serve twelve months of unsupervised probation. The Court also ordered Licensee to complete twenty hours of community service, attend anger management class and write a letter of apology to D.S.

- d. Licensee was aware that his Missouri private investigator license, license number 2010012012 had expired on April 30, 2014.
- e. Licensee acknowledged that he was working on May 9, 2014 as a private investigator.
- f. Licensee acknowledged that he did not notify the Board of his arrest or that his Missouri private investigator license had been confiscated by the Lee's Summit Police.

5. Section 324.1104, RSMo, states:

Unless expressly exempted from the provisions of sections 324.1100 to 324.1148:

(1) It shall be unlawful for any person to engage in the private investigator business or carry out a private fire investigation in this state unless such person is licensed as a private investigator or private fire investigator under sections 324.1100 to 324.1148;

(2) It shall be unlawful for any person to engage in business in this state as a private investigator agency or private fire investigator agency unless such person is licensed under sections 324.1100 to 324.1148.

6. Section 324.1126, RSMo, in relevant part, states:

1. Any license issued under sections 324.1100 to 324.1148 shall be valid for two years. An application for renewal of such license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board and with evidence of continuing education under section 324.1122. Any licensee who practices during the time the license has expired shall be considered to be engaged in prohibited acts under section 324.1104 and shall be subject to the penalties provided for violation of the provisions of sections 324.1100 to 324.1148.

7. Regulation 20 CSR 2234-2.040, in relevant part, states:

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050. Private investigators must maintain compliance with continuing education according to 20 CSR 2234-6.010. Private fire investigators must maintain and provide proof of active certification as a fire investigator issued by the Missouri Division of Fire Safety, which shall also constitute proof of compliance with continuing education requirements.

8. Regulation 20 CSR 2234-7.010, in relevant part, states:

(2) Responsibilities to the Public.

...

(E) Compliance with the Law.

1. Private investigators and private fire investigators shall obey all criminal laws—federal, state, and local.

A. "Criminal laws" include the penal ordinances and regulations of political subdivisions of a state or the agencies of the federal government.

2. Private investigators and private fire investigators shall conform their conduct to the expectations of an ordered society:

A. Private investigators and private fire investigators shall not commit intentional torts.

9. Cause exists for the Board to take disciplinary action against Licensee's license under section 324.1134.2(2), (3), (4), (5), (9) and (10) RSMo, which states in pertinent part:

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any permit or license required by sections 324.1100 to 324.1148 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

...

(2) Violating any provision of sections 324.1100 to 324.1148;

(3) Violating any rule of the board of private investigator examiners adopted under the authority contained in sections 324.1100 to 324.1148;

(4) Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer, fire safety officer, or employee of the United States of America, or of any state or political subdivision thereof;

(5) Committing, or permitting any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

...

(9) Violating or assisting or enabling any person to violate any provision of this chapter or any lawful rule or regulation adopted pursuant to the authority granted in this chapter;

(10) Committing any act which is grounds for denial of an application for a license under section 324.1112.

### **Joint Agreed Disciplinary Order**

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of section 621.045.3, RSMo:

10. The terms of discipline shall include that private investigator license, license number 2010012012, is hereby placed on **PROBATION** for a period of five (5) years. During Licensee's probation, Licensee shall be entitled to present himself and serve as a licensed private investigator agency employee subject to the following terms and conditions:

#### **I. SPECIFIC REQUIREMENTS**

A. During the disciplinary period, Licensee shall appear in person for interviews with the Board or its designee two times per year.

B. Licensee shall complete an anger management course approved by the Board within the first year of the five (5) year probationary period or provide proof of completion of an anger management course taken as result of a court order for approval by the Board.

C. Licensee shall activate his license within three (3) days of the effective date of this Settlement Agreement.

D. Licensee shall submit written reports to the Board on or before January 1, April 1, July 1, and October 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The written report shall include the identity of all employers for whom Licensee worked as a private investigator during the preceding reporting period.

The first such report shall be received by the Board on or before October 1, 2015. → 2017

E. Any and all information pertaining to the identity of the Licensee's employers shall be considered confidential and closed and will not be released by the Board without prior consent by the Licensee.

## II. GENERAL REQUIREMENTS

A. During the disciplinary period, Licensee shall keep the Board informed of his current work and home telephone numbers. Licensee shall notify the Board in writing within ten days (10) of any change in this information.

B. During the probationary period, Licensee shall timely renew his license granted hereby and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said license in a current and active state.

C. During the probationary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.

D. Licensee shall execute any release or provide any other authorization necessary for the Board to obtain records of his employment during the terms of the permit.

E. Licensee shall comply with all provisions of §§ 324.100 to 324.1148; all federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri, all other states and territories of the United States, and the ordinances of political subdivisions of any state or territory. Licensee shall immediately report any violation of this provision to the board in writing. Licensee shall

also immediately report any allegation that he has violated this provision to the Board, in writing. Examples of allegations of such a violation include, but are not limited to, any arrest, summons, inquiry by any law enforcement official into these topics, or inquiry into these topics by a health oversight agency. Licensee shall sign releases or other documents authorizing and requesting the holder of any closed record related to this paragraph to release such records to the Board.

F. Licensee is hereby informed that the Missouri Board of Private Investigator and Private Fire Investigator Examiners will maintain this Order as an open record of the Board as provided in Chapters 610 and 324, RSMo. He shall truthfully answer any inquiry regarding his license status or disciplinary history.

G. Licensee shall immediately submit documents showing compliance with the requirements of this Order to the Board when requested.

H. In the event the Board determines that Licensee has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, suspend, revoke, or otherwise lawfully discipline Licensee's license.

I. No Order shall be entered by the Board pursuant to the preceding paragraph of this Order without notice and an opportunity for

hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

J. If, at any time during the probationary period, Licensee changes Licensee's address from the state of Missouri, or ceases to maintain his private investigator agency employee license current or active under the provisions of Chapter 324, RSMo, or fails to keep the Board advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.

K. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board as provided by Chapter 536, RSMo.

L. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri Board of Private Investigator and Private Fire Investigator Examiners, P.O. Box 1335, Jefferson City, Missouri 65102.

M. Any failure by Licensee to comply with any condition of discipline set forth herein constitutes a violation of this Order.

11. The parties to this Agreement understand that the Board will maintain this Agreement as an open record of the Board as provided in Chapters 610 and 324, RSMo.

12. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

13. Licensee, together with his heirs and assigns, and its attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to section 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this settlement agreement. The parties acknowledge that this paragraph is

severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

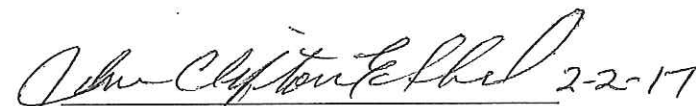
14. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**


15. If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

16. If Licensee does not elect review by the Administrative Hearing Commission, this agreement shall go into effect fourteen (14) days after the execution by both parties of the agreement.

**LICENSEE**

**BOARD**

  
John Clifton Ecklund, Licensee

  
Pamela Groose

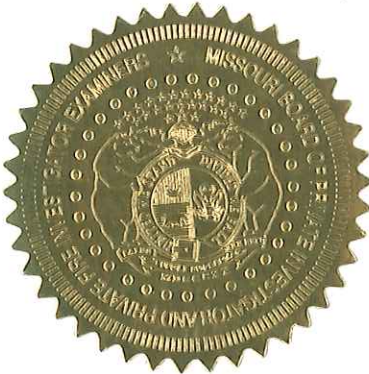
Executive Director

Board of Private Investigator and  
Private Fire Investigator Examiners

Date 2-2-17

Date 2-27-2017

**EFFECTIVE DATE: March 13, 2017**



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