

**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF PRIVATE INVESTIGATOR AND PRIVATE  
FIRE INVESTIGATOR EXAMINERS AND SCOTT FULMER**

Come now Scott Fulmer ("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 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 him 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 Agreement 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 2021037297 is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 324, RSMo.

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

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 2021037297. The Board issued Licensee's license on September 9, 2021. Licensee's license had an expiration date of April 30, 2022.

3. On or about May 20, 2022, the Board received a complaint from Kristy Woods, through the Office of the Attorney General of Missouri. The complaint alleged that Kristy Woods retained the services of Licensee, paid Licensee but, Licensee and failed to provide services to the client.

4. On or about June 7, 2022, the Board referred the case to the Central Investigation Unit (CIU).

5. On or about August 16, 2022, CIU Investigator Lisa Carlos contacted Licensee regarding the complaint filed against him. Licensee acknowledged the veracity of the allegations against him.

6. Licensee expressed regret for his actions and attributed his actions to "life events" that left him "in a fog". Licensee has closed his private investigator business and moved to Texas.

7. Licensee has allowed his Missouri private investigator license to lapse.

8. Cause exists for the Board to take disciplinary action against Licensee's license under section 324.1134, RSMo, which states in pertinent part:

1. The board may suspend or refuse to issue or renew any certificate of registration or authority, permit or license required under sections 324.1100 to 324.1148 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the suspension or refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no

written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, 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:

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

...  
(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[.]

9. Regulation 20 CSR 2234-7.010, states in pertinent part:

...

(2) Responsibilities to the Public.

(A) Honesty and Best Efforts.

1. Private investigators and private fire investigators shall, to the extent of their abilities, diligently and honestly perform the work for which they have been retained.

#### Joint Agreed Disciplinary Order

10. **Licensee agrees, in lieu of further formal disciplinary action, to surrender to the Board his license, number 2021037297, under the terms and conditions set forth herein, no later than thirty days from the effective date of this Settlement Agreement.** This Settlement Agreement is effective the date the document is signed by the Executive Director of the Board.

11. Licensee understands that the Board is offering this Settlement Agreement in lieu of further discipline beyond the voluntary surrender, but understands that continued or future violations of Board licensing statutes and rules could result in additional Board action by requesting the Attorney General to seek relief in the Board's name.

12. Licensee understands that by surrendering his license pursuant to this Agreement, his license ceases to exist, and should he seek licensure as a private investigator in the State of Missouri in the future, he must meet the licensure requirements under the laws in effect at the time of such application.

13. Licensee understands that after surrendering his license, if he applies for licensure as a private investigator in the State of Missouri in the future, all information gathered by the Board prior to this surrender concerning any alleged violations of Chapter 324, RSMo, and/or any discipline pending against his license may be considered in the Board's decision of whether to grant a new license.

14. Within ten (10) days after Licensee's surrender of his license, Licensee shall return all indicia of Missouri licensure to the Board.

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

16. 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.

17. Licensee, together with his heirs and assigns, and his 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 § 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.

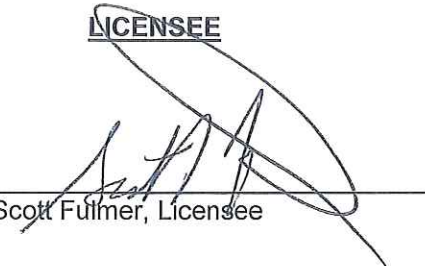
18. If no contested case has been filed against Licensee, Licensee has the right, either at the time the Settlement Agreement is signed by all parties or within fifteen days thereafter, to submit the Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the license of the Licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to:


**Administrative Hearing Commission, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557.**

19. If Licensee has requested review, Licensee and the 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.

LICENSEE

BOARD

  
\_\_\_\_\_  
Scott Fulmer, Licensee

  
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Pamela Groose  
Executive Director  
Board of Private Investigator and Private Fire  
Investigator Examiners

Date 1-9-2023

Date 1-13-2023



**EFFECTIVE: JANUARY 30, 2023**