

**BEFORE THE
BOARD OF PRIVATE INVESTIGATOR
AND FIRE INVESTIGATOR EXAMINERS**

**ORDER ISSUING A PROBATED LICENSE TO
HAROLD JOSEPH MORANVILLE, JR.**
(Private Investigator)

The Board of Private Investigator and Fire Investigator Examiners (the “Board”), pursuant to Section 324.038, RSMo¹, issues this order granting a **PROBATED PRIVATE INVESTIGATOR LICENSE** to Harold Joseph Moranville, Jr. (“Moranville” or “Licensee”), 1111 Hwy 109, Wildwood, Missouri 63038.

As set forth in Section 324.038, RSMo, Licensee may submit a written request for hearing to the Administrative Hearing Commission seeking review of the Board’s decision set forth in this Order. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date the Board mails this Order to Licensee. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557. Any such request should set forth that the applicant is qualified for nonprobated licensure pursuant to the laws and administrative regulations relating to Licensee’s profession. If such review is requested, a hearing shall be held pursuant to Chapter 621, RSMo. A Commissioner of the Administrative Hearing Commission will preside over the

¹ All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated.

hearing. The hearing will be on the record and recorded by a court reporter. At the hearing, Licensee shall have the right to present testimony, call witnesses on its behalf, introduce evidence, cross-examine any witnesses called by the Board, and object to any evidence introduced by the Board and make legal argument to the Commission. Following the hearing, the Administrative Hearing Commission will issue an order including findings of fact, conclusions of law and a decision based on the evidence admitted at the hearing. A copy of the Administrative Hearing Commission's order will be delivered to the parties. Chapter 536, RSMo, sets forth the procedures for review of the order of the Administrative Hearing Commission.

If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board's decision shall be considered waived. Section 324.038.2, RSMo. Should Licensee make written request for review of this Order, the terms and conditions of this Order shall remain in full force and effect unless and until such time as the Administrative Hearing Commission or reviewing court orders otherwise.

Relevant Statutes

1. Section 324.038, RSMo, authorizes the Board to issue a license subject to probation in lieu of denial and states:

1. Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing

commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

2. The board shall notify the applicant in writing of the terms of the probation imposed, the basis therefor, and the date such action shall become effective. The notice shall also advise the applicant of the right to a hearing before the administrative hearing commission, if the applicant files a complaint with the administrative hearing commission within thirty days of the date of delivery or mailing by certified mail of written notice of the probation. If the board issues a probated license, the applicant may file, within thirty days of the date of delivery or mailing by certified mail of written notice of the probation, a written complaint with the administrative hearing commission seeking review of the board's determination. Such complaint shall set forth that the applicant or licensee is qualified for nonprobated licensure pursuant to the laws and administrative regulations relating to his or her profession. Upon receipt of such complaint the administrative hearing commission shall cause a copy of such complaint to be served upon the board by certified mail or by delivery of such copy to the office of the board, together with a notice of the place of and the date upon which the hearing on such complaint will be held. Hearings shall be held pursuant to chapter 621. The burden shall be on the board to demonstrate the existence of the basis for imposing probation on the licensee. 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 waived.

3. If the probation imposed includes restrictions or limitations on the scope of practice, the license issued shall plainly state such restriction or limitation. When such restriction or limitation is removed, a new license shall be issued.

2. Section 324.1104, RSMo, requires a license to engage in the practice of private investigating and 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.

3. Section 324.112, RSMo, authorizes the Board to deny an application for a private investigator's license and states, in relevant portion:

1. The board may deny a request for a license if the applicant:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

* * *

(8) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

* * *

2. The board shall consider any evidence of the applicant's rehabilitation when considering a request for licensure

4. Section 324.1134, RSMo, authorizes the Board to issue a license subject to probation and states, in relative portion:

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:

* * *

(2) Violating any provision of 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; or

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

* * *

5. After the filing of a complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds in subsection 1 of this section for disciplinary action are met, the board may singly or in combination censure or place the person named in the complaint on probation under such terms and conditions as the board deems appropriate for a period not to exceed five years, may suspend for a period not to exceed three years, or revoke the license.

Parties and Background

5. The Board is an agency of the State of Missouri created and established pursuant to Section 324.1102, RSMo, and vested with the authority to execute and enforcing the provisions of Sections 324.1100 to 324.1148, RSMo.

6. Harold Joseph Moranville, Jr, is an individual who resides at 1111 Hwy 109, Wildwood, Missouri 63038.

7. Moranville submitted to the Board his "Application for Licensure – Private Investigator" that he signed before a notary public on April 22, 2011.

8. On January 16, 2013, Moranville completed the requirements for licensure set forth in Section 324.1110, RSMo.

Basis for Probation

9. The Board received a consumer complaint against Moranville dated September 21, 2010 alleging that Moranville advertised as a private investigator and engaged in work as a private investigator when he held no such license.

10. The Board received a consumer complaint against Moranville dated July 20, 2012 in which the consumer alleged misconduct by Moranville in work the consumer hired Moranville to complete as a private investigator.

11. By letter dated November 4, 2010, the Board notified Moranville that, as of January 30, 2010, a license issued by the Board was required to conduct business in Missouri as a private investigator.

12. The Board investigated both of the complaints.

13. Moranville was given the opportunity to respond to both consumer complaints.

14. On March 8, 2013, Moranville met with the Board and discussed with the Board the consumer complaints, the Board's investigation and Moranville's conduct related to his private investigation work.

15. From January 30, 2010 to the present, Moranville has advertised to the public that he was a private investigator when he held no license to do so.

16. From January 30, 2010 to the present, Moranville has engaged in the practice of a private investigator when he has held no such license.

17. Moranville's work as a private investigator does not fall within any of the exceptions for licensure found in Section 324.1106, RSMo.

18. The Board considered evidence of Moranville's rehabilitation when considering his request for licensure.

19. The Board has cause to deny Moranville's application for a private investigator license pursuant to Section 324.1112.1 (1), and (8), RSMo and Section 324.1134.2(2), (9) and (10), RSMo.

20. The Board finds that issuance of a probated private investigator license subject to certain terms and conditions, in lieu of denial, will ensure protection of the public.

Issuance of Probated License Subject to Terms and Conditions

The Board, in lieu of denial, hereby issues a private investigator license to Harold Joseph Moranville, Jr., on **PROBATION** for a period of **THREE YEARS** (the “Disciplinary Period”), beginning on the effective date of this Order and subject to the terms and conditions contained in this Order and set forth below.

Terms and Conditions of Probation

21. Licensee shall comply with the following terms and conditions of probation during the Disciplinary Period:

- a. Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Board with his current and active e-mail address;
- b. Licensee shall comply with all provisions of Sections 324.1100 to 324.1148, all Board regulations and all federal, state and local laws and regulations related to private investigations;
- c. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission;

- d. Licensee shall meet in person with the Board or any Board representative at any such time and place as required by the Board or its representative upon reasonable notice. Any such meetings shall be at the Board's discretion;
- e. Upon the request by the Board or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;
- f. Licensee shall renew timely all licenses and/or registrations, shall pay timely all fees required for licensure/registration and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active;
- g. Licensee shall accept and cooperate with unannounced visits from the Board, or its representatives, to monitor compliance with the terms and conditions of probation;
- h. Moranville 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 first such report shall be received by the Board on or before July 1, 2013, and

22. Upon the expiration of the Disciplinary Period and successful completion of the probation, Licensee's license shall be fully restored if all other

requirements of the law have been satisfied; provided however, that 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, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Licensee's license.

23. The Board shall enter no order imposing further discipline on Licensee's license without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

24. If the Board determines that Licensee has violated a term or condition of this Order, and that violation would also be actionable in a proceeding before the Administrative Hearing Commission or in a circuit court, the Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Order in its determination of appropriate legal actions concerning such violation(s).

25. If any alleged violation of this Order occurs during the Disciplinary Period, the Board may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of probation occurred and, if so, may impose further discipline on Licensee's license. The Board has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of probation occurred.

26. This Order of the Board shall be maintained as an open and public record of the Board as provided in Chapters 610 and 324, RSMo.

IT IS SO ORDERED.

Dated: April 22, 2013

Pamela Groose

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

