Meeting Notice

Board of Private Investigator Examiners

March 30, 2009
10:00am
MO Council of School Administrators
Education and Conference Center
3550 Amazonas Drive
Jefferson City, MO 65109

#7 Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Board of Private Investigator Examiners, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102 or by calling 573/522-7744 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

#8 Except to the extent disclosure is otherwise required by law, Board of Private Investigator Examiners is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7), RSMo.

#9 The Board may go into closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Agenda follows.

Tentative Agenda
BOARD OF PRIVATE INVESTIGATOR EXAMINERS
MARCH 30, 2009 10:00AM
LOCATION: MISSOURI COUNCIL OF SCHOOL ADMINISTRATORS EDUCATION AND CONFERENCE CENTER
3550 AMAZONAS DRIVE, JEFFERSON CITY, MO
(directions on last page)

OPEN SESSION

10:00am Call to Order	**Dwight McNeil** **Chairperson**
Roll Call	Pam Groose
Review and Approval of Agenda	**TAB 1**
Review and Approval of Minutes - January 9, 2009	**TAB 2**
Clarification related to Statute 324.1106	TAB 3
Clarification related to Statute 324.1130	TAB 4
Review of letter from the American Bar Association related to persons engaged in computer or digital forensic services	TAB 5
Clarification related to 20 CSR 2234-2010 (2) (E) • Proof of liability insurance	TAB 6
Clarification related to 20 CSR 2234-3.010 (2) and (6) • Related to out of state agencies	TAB 7
Clarification related to 20 CSR 2234-3.030 and 3.070 • Related to renewal process	TAB 8
Clarification related to 20 CSR 2234-7.010 (B) • Business records	TAB 9
Discussion related to Statute 324.1114 (3)	TAB 10
Clarification related to Statute 324.1140 and Rule 20 CSR 2234-4.010	TAB 11
Clarification related to Statute 324.1146	TAB 12
Future Meetings • April • May • June	

DIRECTIONS

Traveling to Jefferson City via Highway 54 East

Take the MO-179/MO-B ramp toward Wardsville
Turn left onto MO-179. Continue to follow MO-179 N
Merge onto US-50 W via the ramp on the left toward Sedalia
Take the Truman Blvd/Country Club Drive exit
Turn right onto W Truman Blvd 0.4 mi
Turn right onto Amazonas Drive 0.2 mi

Traveling to Jefferson City via Highway 54 West

Cross the Missouri River bridge
Merge onto US-50 W toward Sedalia
Take the Truman Blvd/Country Club Drive exit
Turn right onto W Truman Blvd 0.4 mi
Turn right onto Amazonas Drive 0.2 mi

Traveling to Jefferson City via Highway 50 West

Take the Truman Blvd/Country Club Drive exit
Turn right onto W Truman Blvd 0.4 mi
Turn right onto Amazonas Drive 0.2 mi

Traveling to Jefferson City via Highway 50 East

Take the Truman Blvd/Country Club Drive exit
Turn right onto W Truman Blvd 0.6mi
Turn right onto Amazonas Drive 0.2 mi

BOARD OF PRIVATE INVESTIGATOR EXAMINERS
MISSOURI COUNCIL OF SCHOOL ADMINISTRATORS
EDUCATION AND CONFERENCE CENTER
3550 AMAZONAS DRIVE, JEFFERSON CITY, MO

MARCH 30, 2009 -- OPEN MINUTES

The open session of the Missouri Board of Private Investigator Examiners was called to order by Dwight McNiel, Chairperson, at 10:05am on March 30, 2009 at the Missouri Council of School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri 65109

Ms. Groose introduced Earl Kraus, Division Legal Counsel, who provided a brief background of his work history.

Members Present:
Dwight McNiel, Chairperson
Douglas Mitchell, Secretary
Francis "Chris" Rey, Member
Kenneth McGhee, Public Member
Vacant - Public Member

Staff Present:
Pam Groose, Executive Director
Roxy Brockman, Administrative Assistant
Earl Kraus, Division Legal Counsel (left at 12:00 noon)
Connie Clarkston, Director of Budget and Legislation (arrived at 11:35am)
Jeana Groose, Budget Analyst II
Darcie Rehagen, Administrative Office Assistant (arrived at 10:35)

Visitors Present:
Thomas E Smith, Jr., Ispirian Computer Forensics
Craig Rhodes
John Rakonick, USIS
Joseph M Weber, Weber & Associates
Karen S Weber, Weber & Associates

Review and Approval of Agenda:
A motion was made by Mr. McGhee and seconded by Mr. Rey to approve the open agenda. All approved.

Review and Approval of Minutes:
A motion was made by Mr. McGhee and seconded by Mr. Rey to approve the open minutes from the January 9, 2009 meeting as submitted. All approved.

In response to a question posed by Mr. McNiel, Ms. Groose said all of the rules have been prepared and fiscal notes are ready, but clarifications are required and that would be the emphasis of today's meeting.

Mr. McNiel commented the Board was in the final stages of promulgating rules in support of the Private Investigators' statutes. Mr. Kraus indicated he would only be available today for the first part of the meeting because it is necessary for him to attend another meeting.

Mr. Mitchell asked about filing of rules and how that ties into the legislative session. Ms. Groose said from the time the rules are filed it will take about 6 months before they are effective and the rule process has nothing to do with legislative session.

Clarification related to Statute 324.1106 – Exception to Licensure

Question #1: …Based on the information reviewed in the Frequently Asked Questions of your site, it relates that I may be exempt from licensure as "Persons employed only with and regularly with one employer where there is an employer-employee relationship."

Mr. McNiel said it is the understanding of the Board that a person would be required to be licensed even if they are working exclusively with one agency. Mr. McNiel said the statute is very clear in its language that these people will be required to be licensed. Ms. Groose stated that other statutes also indicate that the agency would be in violation if persons working for the agency are not licensed. Mr. Kraus asked if the exclusion still exists that a person working for a law firm as a paralegal would not be required to be licensed? Ms. Groose said yes, the exclusion still exists and is further discussed in Tab #5.

Question #2: Is Skip Tracing a function that requires a person to be licensed?

Mr. McNiel said this has been addressed several times over the past months. He said as the board has talked about employee investigators it has been their conclusion on more than one occasion that these people must be licensed. He also pointed out that as private investigation work becomes less and less shoe leather operations and more electronic that means the scope and nature of investigation work will have changed greatly and to create an exclusion for Skip Tracing would leave a gaping hole. Mr. Kraus concurred that Skip Tracing does require licensure.

Question #3: We are a pre-employment background screening company out of California. We do hold Private Investigator licenses here in our state. We from time to time require researchers in your state search public court records on our behalf. With that being said are we required to be licensed in your state to perform these searches at the county courts?

Mr. McNiel responded by saying that the author of this question has answered their own question. He said this goes back to previous questions and that clearly the answer to the question is yes, you need to be licensed in Missouri. He said just because your office is located outside of Missouri does not exclude you from licensure in Missouri. He said it is not the intent of the statutes or rules to be onerous to Private Investigators but licensing was recommended and legislated as a means to hopefully eliminate questionable Private Investigators.

Question #4: "I am trying to find out if a business that conducts background checks only needs the new state wide private investigators license"?

Mr. McNiel responded yes, they will need to be licensed as private investigators.

Question #5: "Will former Federal Agents with over 20 years of credible federal government service be exempted from having to become a private investigator, licensed by the State of Missouri"?

Mr. McNiel indicated no, they are not exempt and will need to be licensed as private investigators in the state of Missouri. The only exemption provided by the statute is that law enforcement personnel, current or former, that are active, post certified peace officers will not need to take the examination. They will, however, be required to be licensed, to pay the fees and to meet all of the other requirements to be licensed by the State of Missouri.

Question #6: "Will investigators who do contract work for only attorneys and are under their control, be exempted from having to become a private investigator, licensed by the State of Missouri"?

Mr. McNiel responded there is no exemption for contract employees working for a law office. The only exception is if they are involved in an employee/employer relationship.

Clarification related to Statute 324.1130 -- Records

Ms. Groose said this was one of her clarifications and she wanted to make certain that the part of the statute that says "each licensee shall maintain a record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners." Mr. McNiel said that the application form shall be the only thing maintained by the agency to be in compliance with this section of the law.

Review of letter from the American Bar Association related to persons engaged in computer or digital forensic services

A handout of a letter from the American Bar Association (ABA) was provided for the Board's review. ABA is requesting companies that only provide computer or digital forensic services be exempt from licensure. The ABA letter was provided to this board by Representative Wasson, who received the letter from Representative Ron Richard, Speaker of the House of Representatives. A response will be sent to the ABA with copies being forwarded to both Representatives.

Tom Smith, President of Isperian Computer Forensics, located in Missouri for 5 years was recognized to speak. Mr. Smith indicated he had read the ABA letter and parts of the letter he agrees with, but he can point out, because of personal experience, some people with those credentials who have failed the public in his opinion. He said computer or digital forensic services have an investigative function as well as a technological function. Mr. Smith believes the statute does apply and licensure is required.

Mr. McNiel said the potential for abuse electronically, perhaps during the course of an investigation, is as great or greater as there is for someone who is doing something clearly beyond the guidelines of photography or trespass provisions under state law.

Question #1: Does your state require that a public or private accounting firm be licensed/registered as a Private investigator in order to provide forensic accounting services?

> Mr. McNiel said an accounting firm providing private investigator services would require licensure.

Question #2: Does your state require that a CPA, working as an employee of a private investigation firm be licensed/registered as a Private Investigator?

> Mr. McNiel responded just because he/she is CPA does not exempt him/her from licensure. If a CPA performs any private investigator functions he/she must be licensed.

Question #3: Does your state require that an accountant, who is engaged in providing forensic accounting services on behalf of a Public or Private Accounting firm, have to be licensed/registered as a Private Investigator?

> Mr. McNiel responded an accountant who is engaged in providing forensic accounting services that require private investigator services must be licensed.

Question #4: Does your state require that a Computer Forensic Technician who is engaged in providing computer forensic services to the general public have to be licensed as a Private Investigator?

> Mr. McNiel stated this is a repeat of Question #1. A technician who provides private investigator services is required to be licensed. The fees required of these people are significantly less than the fees required of private investigators who are not employees of an agency.

Question #5: Does your state require that a firm offering computer forensic services be licensed as a Private Investigator in order to provide the service to the general public?

> Mr. McNiel answered yes.

Mr. Mitchell asked how we respond to these questions and Ms. Groose indicated that everyone receives a written response. She said responses will be sent based on the decisions of the board at today's meeting.

Clarification related to 20 CSR 2234-2.010 (2) (E) – Proof of liability insurance

Mr. McGhee asked if an individual working for an agency has to have his/her own liability insurance. Mr. McNiel responded if person is an employee of employer, the employer's insurance applies. He said contract employees must have his/her own insurance.

Mr. Mitchell asked about business records and length of retention required and if it is going to be covered? Mr. McNiel said this topic would be talked about later in the meeting.

Question #1 Relates to expert witnesses

> If they are not conducting investigations and only review documents handed to them in court or during the deposition they do not have to be licensed. If they are an accident reconstructionist who actually visits the site etc. to render an investigative function and interviews witnesses, they are required to be licensed.

Question #2 "Again, I fall into that quirky category of "expert witness" and do not conduct investigations when operating as an expert. Therefore, how does this rule apply to me"?

> References are only required from those applying for private investigator license. Expert witnesses are not required to provide references.

Mr. McNiel indicated that Larry McDowell was not present during this meeting but he had sent several questions to Ms Groose.

Question #3: ….. "My broker's thoughts are ANY certificate [insurance certificate] is ripe for forgery, alteration, etc. We are naive if we think that a certificate does much of anything at all. Note an insured can have a certificate issued (regardless of source), and then cancel the coverage the next day". …

> Mr. McNiel said he thought this issue had been discussed over and over again. He said the board decided that the certificate of insurance must be mailed from the insurance company directly to the Board of Private Investigator Examiners office. He also said cancellation or lapse of the insurance policy needs to be directed to the Board of Private Investigator Examiners office.

Question #4 "Will the rules include a definition of insurance agent in regard to insurance information? USIS has one insurance carrier for all the states".

> Mr. McNiel said there is no concern regarding who someone's insurance agent is and a definition is not included in the private investigator rules or statutes. He said USIS is not required to contract with an insurance agent in Missouri. A certificate from the company must be provided to the Board of Private Investigator Examiners office.

Clarification related to 20 CSR 2234-3.010 (2) and (6) - Application for Licensure – Private Investigator Agency

There was discussion regarding out-of-state agencies and the requirements regarding licensure in Missouri. It was decided by the board and confirmed by legal counsel that out-of-state agencies do not have to have a primary business location in Missouri unless the agency is seeking an agency license. Individuals working for the out-of-state agency who investigate in Missouri must have a private investigator license in Missouri and must provide proof of liability insurance when applying for the Missouri license. It is the intent of the Missouri law that whoever is providing investigative services within Missouri must have insurance in place but it does not mean the insurance has to be provided by a Missouri company.

An example was given as "a company in Iowa can't get a branch office license in Missouri unless they have a Missouri primary office and a Missouri private investigator in charge". However, an out-of-state agency does not have to have a Missouri agency license in order to send a private investigator into Missouri to do investigative work. The out-of-state agency must employ a Private Investigator who has a Missouri Private Investigator license.

If an out-of-state agency advertises in Missouri they must apply for a Missouri agency license and must have a private investigator in charge and have a primary office in Missouri.

There was discussion regarding advertising by out-of-state agencies in Missouri and how the consumer can differentiate between Missouri agencies and out-of-state agencies. It was decided that further review of the statutes is required on this issue.

Reciprocity question: "… if Missouri would have reciprocity with Iowa, it would be most helpful. We only work for insurance companies and even then have only done about a dozen jobs a year in Missouri"…

> The statute specifically addresses reciprocity. The licensing authority in the State of Iowa needs to be contacted and have it review our statutes and respond. Kansas does not extend reciprocity to any state. Oklahoma, Arkansas and Tennessee all extend reciprocity to each other and these states may be able and willing to extend reciprocity to Missouri. The members requested contact be made to these states and ask them to review Missouri's statutes in light of reciprocal licensing.

"The last cost of a license that I saw may even be prohibitive for us medium sized companies going up against the big guys like MJM from New York or Veracity from Houston"…

> Mr. McNiel said there will be no discounted rates for out-of-state agencies. Prior to passage of the Missouri law Private Investigators in Missouri could not provide services in Iowa unless they were Iowa licensed.

<u>Clarification related to 20 CSR 2234-3.030 and 3.070 -- Licensure Renewal</u>

Ms. Groose suggested staggering the expiration dates of the agency and agency employee and said this would not be a board decision but would be a division decision based on the licensing cycle of the professions within the Division. She said the Division will advise the board if staggering of the PI license renewals and agency license renewals is possible. The board members discussed the possibility of changing 20 CSR 2234-3.070 by adding the phrase "and following the agency renewal" to the end of the first line.

A motion was made by Mr. Mitchell and seconded by Mr. Rey to go into closed session at 11:25am for #2. Mr. McGhee, Mr. Rey, and Mr. Mitchell all approved. Mr. McNiel told the visitors he would reconvene the open session at 1:00pm which would allow them time to get lunch.

The committee returned to open session at 11:55am to briefly meet with Jane Rackers, Division Director. The members congratulated Ms. Rackers on her promotion to Director of Professional Registration. Mr. McGhee thanked her for her past service to the boards as legal counsel. A motion was made by Mr. McGhee and seconded by Mr. Rey to return to closed session for #2 at 12:00pm. Mr. McGhee, Mr. Rey, and Mr. Mitchell all approved. The committee returned to open session at 12:30pm.

<u>Clarification related to 20 CSR 2234-7.010 (2) (B) – Business Records</u>

There was considerable discussion regarding record retention.

Question # 1 – was from Michael Barbieri and requested that section 324.1126 be discussed.

> Mr. McNiel pointed out that requirements for record keeping are mandated by statute not by rule and the statute states that business records are to be maintained for 7 years. He said there cannot be a modification to the language unless there is a statute change. He suggested that Mr. Barbieri may want to consider changing his client agreement. An appropriate response will be sent to Mr. Barbieri.

Question #2: "When the government is the client it typically requires destruction of field notes and retention is their duty. In legal cases attorney clients and judges often require the destruction of records outside the attorney as part of the sealed settlement."

> Mr. Mitchell said in all the sealed settlement cases in which he has been involved he has been told to hold on to all records by his attorney clients. Mr. McGhee said in the funeral business they

have to abide by either the federal or state law whichever is the most stringent. Mr. Rakonick was recognized to speak as a visitor and said when working under government contracts at USIS it is required that when a background investigation is complete, they can only hold on to the information for 2 weeks. He said they keep the data in their Westport office and within a month or two the data is shipped off to Pennsylvania, Washington, or wherever. He said this requirement is in the government contract and they must abide by it.

Mr. McNiel said that the board would need to review this issue further and consider exempting record retention relating to federal contracts or court orders. He said copies of the contract, statute or court order needs to be maintained within the record, which would specifically indicate what is missing and this information must be kept for seven (7) years. Everyone was referred to the 324.1136 RSMo for further information. The board members continued to discuss this further and Ms. Groose suggested the following language "unless prohibited by written contract, court order, or by federal or state statute" be placed under 7.010 (B) (1) Business Records after the first sentence of the rule. It was also suggested that a subsection F be created which will state that "a copy of the written contract, court order, federal or state statute shall be maintained in lieu of the released documents as described in (1) above".

Mr. McNiel said he would talk to John Phillips in southwest Missouri regarding this issue and report back to the board.

Question #3: Tom Smith, Ispirian, had concerns relating to electronic data storage versus hard copy data storage. His company would have a real problem if it had to keep or produce data in a hard copy format.

Mr. McNiel said the rules under section 7.010 (B) 3 say, "records of a particular matter need not be stored in a single form or at a single place. All of the components of a record of a particular matter shall be readily accessible however, for the seven (7) year period". He said summarizing data to a CD would not be violation of the rules or the statutes.

Ms. Groose discussed the Code of Conduct under 20 CSR 2234-7.010 (1) (A) 2 B which states: "A response to written correspondence is timely if the response arrives at the board's office by the close of business the tenth (10th) day after the date of the correspondence". In clarification, the Code of Conduct request for information within 10 days means that the response may be in writing but the evidence supporting the response may be in any format -- hard copy, electronic, etc.

Question # 4: Thomas Barry had a questions relating to "Engagement Letters".

Mr. McNiel indicated the board had already answered this question and no further discussion was necessary at this time.

Question #5: Thomas Barry remarked that the Rules should include language relating to computer privacy matters.

No action was taken by the board.

Discussion related to Statute 324.1140 and Rule 20 CSR 2234-4.010

Ms. Groose indicated that the board office is still receiving emails and phone calls regarding city Private Investigator licenses and that the office is being told that some city ordinances are still going to demand city Private Investigator licenses.

Mr. McNiel said the statutes clearly state no one, including cities, will be able to mandate the use of city Private Investigator licenses once the State of Missouri begins Private Investigator licensing. He said that cities can require a business license.

Ms. Groose stated that John Ecklund has indicated the Lee's Summit Police Department states that Lee's Summit will continue to license Private Investigators even if the state takes over the licensing procedures. The board sees the issue as one of education of the local political subdivision personnel.

20 CSR 2234-4.010 Private Investigator Trainer Application

Question #1: "Private investigator trainer position would be difficult to obtain due to the fact that these investigators have law enforcement investigative backgrounds … not private. This individual has just returned from 32 months in Iraq as a supervisor of police trainers. Three of the subordinates were dedicated full time to training investigators. Is there the possibility that the law enforcement experience may be considered?"

Mr. McNiel stated there is nothing in the statute or rule that states that law enforcement won't be considered. He said the statute requires specific things and that trainers have to have at least one year of supervisory experience with a Private Investigator agency. Mr. McNiel said this individual could submit a plan and be granted the ability to train under the rule. Section 324.1140 states the requirements clearly.

Section 324.1146 – Licensure of law enforcement officers, qualifications.

Question #1: "MO POST (Peace Officer Standards and Training) certification. If an investigator is MO POST certified, will there be a waiver of the exam? If the answer is yes, if he is POST certified but not currently working as a law enforcement officer, will the waiver still apply?"

Ms. Groose said Statute 324.1146.66 (1) relates to waiving of the testing but it says **currently certified** under existing peace officer standards. She asked if it made a difference that this person is **not currently working** as a law enforcement officer. ***Mr. McNiel said yes, if a peace officer leaves the agency to acquire the POST certification the peace officer must be employed with the same or another agency within 36 months.***

Mr. McNiel said the answer is in the statutes that state testing for law enforcement officers currently certified under existing peace officer standards and training requirements under Chapter 590, but it says law enforcement officers certified under POST requirements.

Ms. Groose said the reason she brought the question up is because it states they are POST certified but not currently working. She asked if we care that they are not working. Ms. Groose said the rules say if they are POST certified they are exempt from testing but the rules don't currently address the not working matter.

Mr. McNiel said the Private Investigator examination may be a 75/25 test. He said Police officers currently working or not is not the issue for exemption. He said the issue for exemption is if the person seeking exemption for the exam has been POST certified and had attained a certain level of training and education. He said as a practical matter he thinks there are still a lot of peace officers, and present company may be an exception, who may not know what Supreme Court Rule 51 says and they may not know unless they have worked in a civil division who can be served a subpoena by substitute service or a summons by substitute service or what their authority is with a writ of body attachment or whether or not a garnishment has to be served directly upon the person who is the custodian of records. He said those sort of issues don't come up in a peace officer's every day life. He said, they are issues that usually come up for Sheriffs or deputies assigned to a civil division. But, he said, those are every day issues for private investigators.

Mr. Mitchell said he agreed with the aspect that law enforcement, given their due, do not deal with a lot of the civil aspects required of a Private Investigator.

Ms. Groose said then it is her understanding that POST certified peace officers whether working or not shall be exempt from the Private Investigator examination as long as the examination only contains questions relating to the rules and regulations.

License fees & Workers Compensation Coverage

Question: Email from Joseph Weber regarding discounted license fee for part-time Private Investigators.

Mr. McNiel indicated there is no provision for a discounted license fee for part-time Private Investigators. Ms. Clarkston said there needed to be some clarification regarding prorata fees. Ms. Groose said that Prorata fees only applies to the original application. Renewal fees are renewal fees and are to be paid in full. Mr. McNiel stated it is not the responsibility of this board

to attempt to explain Worker's Compensation Coverage and those questions should be directed to an insurance agent, insurance broker or to the Department of Insurance.

Future meeting dates:
April 20, 2009 – location to be determined
May 18, 2009 – location to be determine
June meeting date will be determined during the April 20, 2009 meeting

20 CSR 2234-1.020 General Organization (7)

Mr. McNiel said that 20 CSR 2234-1.020 General Organization (7) needs to be changed as follows: "Unless otherwise provided by statute or regulation, the board shall be generally guided by the conduct **IN** its meetings according to Robert's Rules of Order".

Ms. Groose will advise the Board when the rules are filed.

A motion was made by Mr. Rey and seconded by Mr. Mitchell to adjourn 2:30pm. All approved.

Pamela Groose
_____
Executive Director

July 31, 2009_____
Date Approved by Board

MOTIONS

1. INVESTIGATIONS / COMPLAINTS / AUDITS

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.

2. LEGAL ACTIONS / LITIGATIONS / PRIVILEGED COMMUNICATIONS

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney.

3. DISCIPLINE

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (1) RSMo for the purpose of deliberation on discipline.

4. PROMOTING / HIRING / DISCIPLINING / FIRING EMPLOYEES

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (3) RSMo for the purpose of discussing hiring, firing, disciplining, or promoting an employee of this agency.

5. APPLICATIONS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing applicants for licensure.

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (13) RSMo for the purpose of making performance ratings pertaining to individual employees.

7. EXAMINATION MATERIALS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (7) RSMo for the purpose of discussing and/or reviewing testing and examination materials.

8. DIAGNOSIS / TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (5) RSMo for the proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees.

9. CLOSED MINUTES

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed, for the purpose of reviewing and approving the closed minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings.

Revised 7/10/2001 Rx