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State of Missouri

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Pamela Groose
Executive Director

Meeting Notice

**Board of Private Investigator Examiners
August 28, 2009
10:00am
Division of Professional Registration
3605 Missouri Blvd
Jefferson City MO 65109**

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 80-735-2966.

Except to the extent disclosure is otherwise required by the law, Board of Private Investigator Examiners is authorized to close meetings, records, 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.

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
AUGUST 28, 2009 10:00AM
DIVISION OF PROFESSIONAL REGISTRATION
3605 Missouri Blvd., Jefferson City, MO

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 - July 31, 2009	TAB 2
Review of comments received related to Chapter 1	TAB 3
Review of comments received related to Chapter 2	TAB 4
Review of comments received related to Chapter 3	TAB 5
Review of comments received related to Chapter 4	TAB 6
Review of comments received related to Chapter 5	TAB 7
Review of comments received related to Chapter 6	TAB 8
Review of comments received related to Chapter 7	TAB 9
Review of other comments and questions received.	TAB 10
Discussion related to Examination Development	
Future Meetings <ul style="list-style-type: none"> • September 28, 2009 • October 26, 2009 • November 30, 2009 • December 21, 2009 • January 25, 2010 • February 26, 2010 	

**BOARD OF PRIVATE INVESTIGATOR EXAMINERS
DIVISION OF PROFESSIONAL REGISTRATION
3605 Missouri Boulevard
Jefferson City, MO 65109**

August 28, 2009 – Open Minutes

The open session of the Missouri Board of Private Investigators was called to order by Dwight McNeil, Chairperson, at 10:22am on August 28, 2009 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, MO 65109

Members Present:

Dwight McNeil, Chairperson
Douglas Mitchell, Vice-Chair
Francis “Chris” Rey, Member
Kenneth McGhee, Public Member

Staff Present:

Pamela Groose, Executive Director
Roxy Brockman, Administrative Assistant
Sarah Ledgerwood, Division Legal Counsel
Connie Clarkston, Director of Budget and Legislation

Staff Absent:

Jeana Groose, Budget Analyst II
Darcie Rehagen, Administrative Office Assistant

Visitors:

Travis Ford, DIFP Communications Director

REVIEW AND APPROVAL OF AGENDA:

Ms. Groose said she would like to add two items. The first item is to meet with Travis Ford, Director of Communications from the Department of Insurance and if there is time she has generic copies of the licensure system screens to show to the board members. Ms. Clarkston asked if they wanted a legislative update and the board said yes. A motion was made by Mr. McGhee and seconded by Mr. Mitchell to approve the open agenda as amended. All approved.

MEET WITH COMMUNICATIONS DIRECTOR FOR THE DEPARTMENT OF INSURANCE:

Mr. Ford introduced himself and offered to handle communications on behalf of the Board of Private Investigator Examiners. He said they are capable of sending out consumer alerts, write newsletter articles, and handle the press. He said they are willing to help with any communication needs that the private investigator board may need. Mr. Rey asked if Mr. Ford could assist in getting the word out once the rules become final and the board begins accepting applications. Mr. Ford said yes, he can send out a statewide press release and that press release goes out to newspapers, radio and TV. In response to a question Ms. Groose asked Mr. Ford said that information can targeted to counties also. Mr. McNeil said there is some confusion and incorrect information out there and suggested that Mr. Ford be given the contacts for the national private investigation associations so that correct information can be put out there. After more discussion it was also suggested that information be sent to the Missouri Bar Association about the upcoming licensure requirement for private investigators. Mr. McNeil said statewide there are two primary employers of private investigators, the insurance industry (adjusters) and the legal profession. Ms. Groose said that the board was also maintaining a database of names and addresses of individuals that have expressed an interest in licensing. Mr. Rey also recommended that security companies and bail bondsmen be alerted to the private investigator licensure requirements.

REVIEW AND APPROVAL OF MINUTES:

A motion was made by Mr. Mitchell and seconded by Mr. Rey to approve the July 31, 2009 minutes. All approved.

Mr. McNiel asked Ms. Groose what the board's obligation was in regard to the comments included with each of the rules. Ms. Groose said that it was the board's obligation to review and consider every comment that has been received. She said what decision they make is up to them as members of the board. She said depending upon the decisions they make in regard to each of the comments, Ms. Ledgerwood as the Board legal counsel and advisor may advise them one way or the other, if that is a good or bad decision and why.

Ms. Clarkston said that as a result of today's meeting and how it affects the rules, she said the comments and decisions are summarized and provided to the Secretary of State's office, and the Joint Commission of Administrative Rules

REVIEW OF COMMENTS RECEIVED RELATED TO CHAPTER 1:

20 CSR 2234-1.010 Definitions

COMMENT: Peter Duffey Director of Double Helix Services, Inc stated that there is no definition on file for the word "Agency".

RESPONSE: The board reviewed the comment and noted that "private investigator agency" is defined in section 324.1100(8), RSMo as person who regularly employs any other person, other than an organization, to engage in the private investigator business. Therefore, the board made changes to the text of the rule.

20 CSR 2234-1.020 General Organization

COMMENT: Michael Thomas of Thomas Training Institute submitted a comment stating section (1) of the rules is covered in criminal law and the board should concentrate on screening new applicants and preventing unsavory individuals from getting into the business in the first place and arbitrating complaints against existing investigators.

RESPONSE: Sections 324.1100 through 324.1148 establish the duties of the board. Section (1) of the rule merely summarizes the board's purpose and does not expand the board's authority. Therefore, no changes were made to the text of the rule.

20 CSR 2234-1.030 Policy for Release of Public Records

No comments were received

20 CSR 2234-1.040 Complaint Handling and Disposition

No comments were received

20 CSR 2234-1.050 Fees

► *COMMENT #1:* The Kansas Association of Private Investigators (KAPI) stated that it does not seem appropriate to set the fee for a private investigator higher than the licensing fee for a private investigator agency since Missouri courts have ruled that licensing fees should reflect the cost of regulation. There is no apparent reason why more regulatory activity will be required for an individual than for an agency. Since some business structures, such as corporations or partnerships would actually have more people, locations, or legal issues involved in the business structure, it would be more likely that more regulatory activity would be required for an agency than for an individual. Some might argue that the differing fee structure tended to favor agencies over independent, self-employed investigators. The proposed fees should be adjusted to meet the expected cost for the regulatory effort for each category of licensee, and to clearly reflect that fees are equally and fairly applied.

► *COMMENT #2:* Valerie Summer with Private Investigative Services LLC implores the board to review the cost structure. Ms. Summer states that Kansas only charges one hundred seventy-five dollars (\$175) for a two (2) year license. Although she realizes that the costs are slightly higher for the start up of this process, but all parties she has spoken with certainly do not agree of a potential cost of five hundred dollars (\$500). Ms. Summer requested that the board inform all potential licensees of the actual costs to start this license process and review the actual costs before finalizing the fees.

► *COMMENT #3:* Michael Thomas with Thomas Training Institute is concerned about the public and private cost(s) as there is nothing in the rules that definitively describes what these costs are. Are they the cost of a license? Does it include initial and continuing education training? If it is just the cost of a license I feel the cost is excessive and will be a hardship for investigators who are not as financially successful as the others. Is this an attempt to eliminate potential licensees by making the license that expensive? In this economy, if it is wrong for a government entity to hinder free enterprise. Up until

now the state has not even seen fit to regulation investigators. Now not only are they going to regulate them, the fees will be prohibitive for some who want to get into the business and some who are currently in the business.

RESPONSE: The board evaluated and discussed fees extensively in several open meetings in which members of the public were present. Because this is a new board, a start up fund is necessary to allow the board to begin its regulatory functions. The primary revenue source for the board is license and renewal fees. Section 324.1114, RSMo requires fees be set at a level which do not substantially exceed the cost of administering the provisions of section 324.1100 through 324.1148, RSMo. When the Board of Private Investigator Examiners fund balance exceeds three times the appropriation at the end of the biennium, section 324.1102, RSMo requires the excess to be transferred and placed to the credit of general revenue. The board regularly monitors its fund balance in an effort to maintain its balance below the “sweep” amount but also at a level to handle fluctuations in licensee counts and expenditures. The board’s intent is to keep license fees at the lowest level possible to maintain the necessary functions of the board. The board will continue to look for opportunities to lower fees in future renewal periods. However, the board made no changes to the text of the rule.

► *COMMENT #4:* Peter Duffey, Director of Double Helix Services, Inc suggested that the fees be combined or reduced for individuals applying for both a personal and agency license at the same time. Together, they place a burden on an individual who is opening a new agency of nine hundred dollars (\$900). Also, it does not state anywhere if you do or do not have to have an agency license to do business if you do not work for another agency.

RESPONSE: Section 324.1100 through 324.1148 does not require an individual to hold an agency license in order to conduct private investigations in the state of Missouri. Section 324.1114, RSMo specifically authorizes an individual holding a private investigator license in the state of Missouri to conduct investigations; however, section 324.1114 requires an agency license to be applied for separately and held by an individual who is licensed as a private investigator. The board does not regulate an individual’s personal decision to open a business. Therefore, no changes were made to the text of the rule.

► *COMMENT #5:* Terry Threadgill, Case Manager for Protective Services and Licensing Administrator for Clarence M. Kelley & Associates, Inc stated that he was very surprised to hear that an agency must have “bricks and mortar” in Missouri as their primary location, and individual private investigators from out of state would be licensed by paying higher fees. Mr. Threadgill believes that the out of state licensees should have the same fees as the in state licensees. He is licensed in thirteen (13) states and doesn’t have to pay more just because he doesn’t have an office in those states. He would like to see the rate structure modified.

RESPONSE: After an extensive legal review, the board determined sections 324.1100-324.1148, RSMo does not require a physical Missouri address in the state of Missouri. However, section 324.1132, RSMo prohibits any licensee from advertising or conducting business from any Missouri address other than that shown on the records of the board as the licensee’s principal place of business unless the licensee has received an additional agency license for such location. Therefore, an agency located outside of the state of Missouri may apply for a private investigator agency license by paying the required fee and if the individual is licensed as a private investigator as required in section 324.1114, RSMo. Based on these facts, the board made no changes to the text of the rule.

Review of comments received related to Chapter 2

20 CSR 2234-2.010 Application for Licensure – Private Investigator

► *COMMENT #1:* Peter Duffey, Director of Double Helix Services, Inc believes that personal and/or professional references should also be necessary.

RESPONSE: During the promulgations of rules, the board considered including the submission of personal references in subsection (2)(G), however, due to potential burden on applicants to request the references and the increased workload for staff to verify references the board did not believe this means of evidence would be cost effective or of true value in determining work experience. The board is will continue to review by what documentation other boards within the division accept and the value each component contributes to the validation process. Therefore, at this time the board made no changes to the text of the rule.

► *COMMENT #2:* The Kansas Association of Private Investigators (KAPI) states that the requirement to provide an insurance certificate from a company licensed to do business in the state of Missouri may need to be revised. Private detectives licensed in the state of Kansas have found in the past that no

state-regulated insurance agencies actually offered the professional liability insurance, with errors and omissions coverage, required by the state licensing statute. The insurance must be obtained from unregulated carriers that are frequently from out-of-state. A requirement to use on Missouri-regulated insurers may prove to be unworkable.

RESPONSE: Section 375.161, RSMo requires any insurance company conducting business in Missouri to obtain Missouri licensure. Therefore, the board made no changes to the text of the rule.

► *COMMENT #3:* J. A. Terranson commented that there is no explicit description of the purpose of the fingerprints for a back ground check. Is it merely to determine that there are no active wants or warrants, or is it to prevent subjects with a criminal history from obtaining licensure? If to prevent licensure we should be explicitly stating what would prevent licensure. Allow felons at all, or admit felons with long years of clean behavior? What about an applicant that has no wants or warrants, yet has half a dozen misdemeanors in their history? This needs explicit exposition for the public to be able to fully understand what the investigators license represents: administrative work correctly performed by an applicant, or an implicit warranty by the state that the investigator has never committed a single reportable act? A rehabilitated felon? Clarity is essential.

RESPONSE: Section 324.1110, RSMo requires the board to conduct a complete investigation of each applicant for licensure. The fingerprints are necessary for the Missouri State Highway Patrol to obtain criminal history information. Therefore, the board made no changes to the text of the rule.

► *COMMENT #4:* Ron Buretta with Ron R. Burretta & Associates, Inc. commented that if an agency owner claims exemption from carrying workers compensation as being a sole practitioner or having only one (1) or (2) employees, then their website should be inspected. Mr. Buretta stated that he see websites touting a team of investigators on staff yet most in the industry know that the agency is a one (1) person operation. If your agency is small enough to be exempt from carrying worker's compensation coverage that should be mirrored on their website.

RESPONSE: Missouri law is very clear on workers compensation requirements. The board would become involved should a complaint be filed and through the investigative process. Therefore, the board made no changes to the text of the rule.

20 CSR 2234-2.020 Name and Address Changes – Private Investigator

► *COMMENT:* John Ellis, with the Kansas Association of Private Investigators (KAPI) commented that the regulating agency workload created by the requirement to report changes of address, telephone numbers, or e-mail addresses in writing could potentially be lessened by allowing electronic reporting of the changes. The mailing list form currently found on the Division of Professional Registrations website could be adapted to perform this function. This should reduce the regulating costs.

RESPONSE: The board can accept address, telephone numbers or email address changes by facsimile, email or through the United States postal service. The division's current licensing system is not capable of web-based interfacing. Therefore, the board made no changes to the text of the rule.

20 CSR 2234-2.030 Replacement of License – Private Investigator

► *COMMENT:* Peter Duffey, Director of Double Helix Services commented that the state should bear the cost of a replacement license in the case of an incorrect license being provided to the applicant or agency. Otherwise, the applicant should bear the cost.

RESPONSE: Licensees can currently obtain a duplicate license at no charge. Therefore, no changes were made to the text of the rule

20 CSR 2234-2.040 Licensure Renewal – Private Investigator

No comments were received

REVIEW OF COMMENTS RECEIVED RELATED TO CHAPTER 3:

20 CSR 2234-3.010 Application for Licensure – Private Investigator Agency

► *COMMENT #1:* Upon review of the proposed rule the board noted that it was not clearly stated that the private investigator-in-charge must be licensed in Missouri because that person [REDACTED].

RESPONSE AND EXPLANATION OF CHANGE: **NEED**

► *COMMENT #2:* Peter Duffey, Director of Double Helix Services, Inc commented that this particular section is being interpreted to mean that there must be a “brick and mortar” office. If that is the case (or is

not the case) perhaps clarification would be in order. Mr. Duffey also commented that section (3) of this rule could easily be construed to mean that investigators cannot meet new or potential clients outside of the office, work from our vehicles (which is very common), or from a home office if that is not the “primary office” or a “branch office” as designated by registration with the board. Investigators are not going to want their home address on file as a branch office and we all work from home offices from time to time.

RESPONSE AND EXPLANATION OF CHANGE: “brick and mortar” rule revised; general in nature, up to licensee to decide where they want to conduct business; license and posting on web-can be set up to only reflect name, city, & state; downloadable list or request of information will show full address; nothing prohibits from meeting clients at a different location.

► COMMENT #3: John W. Ellis, President of Kansas Association of Private Investigators (KAPI) commented that the requirement to provide an insurance certificate from a company licensed to do business in the state of Missouri may need to be revised. Private detectives licensed in the state of Kansas have found in the past that no state-regulated insurance company actually offered the professional liability insurance (with errors and omissions coverage) required by the state licensing statute. The insurance must be obtained from unregulated carriers that are frequently from out-of-state. A requirement to use only Missouri regulated insurers may prove to be unworkable.

RESPONSE: (same) licensed insurance concern-regulated by MO insurance laws, if issuing policies, must be licensed in state of MO; call insurance to obtain statute referenced; call agent to get a certification for someone to cover them in MO.

► COMMENT #4: Tom Dupriest, Chairman of the Board of Directors/Senior Advisory Consultant for Clarence M. Kelley and Associates, Inc (CMKA) is concerned with the wording in sections (2) and (3) as it seems to indicate that a licensed private investigative company must have its primary office in Missouri in order to work in Missouri. CMKA is currently licensed in thirteen (13) states and six (6) cities throughout the United States, none of which require that private investigator companies have their primary office in that state or for that matter that any office of the agency must be in that state. CMKA respectfully requests that consideration be given to amending the requirement as if its left a part of the statute, most all companies that conduct private investigations on a national or even a regional basis will be unable to operate in Missouri, eliminating work and jobs that are currently held by Missouri residents, our employees, and those of other companies, and the resultant taxes paid as a result of those jobs.

RESPONSE AND EXPLANATION OF CHANGE: brick and mortar rule revised; general in nature, up to licensee to decide where they want to conduct business

► COMMENT #5: Stu Macfarlane, President of Blue Eagle Investigations, Inc commented with regards to the agency license. Mr. Macfarlane would like to license seven (7) investigators in Missouri. Since he does not have a physical office there, their license fees would be five hundred dollars (\$500) each, or there thousand five hundred dollars (\$3,500) total. However, if he had an agency license this cost would be four hundred (\$400) for the agency, and fifty dollars (\$50) for each investigator, equaling seven hundred fifty dollars (\$750) total. That’s a huge difference. Likewise, renewals would be two thousand one hundred dollars (\$2,100) versus one hundred seventy-five dollars (\$175). The economics of the agency rules will prohibit companies, like myself, from having multiple investigators licensed in Missouri. Again, he believes this is detrimental to the industry in terms of companies like his not being able to do more work in Missouri and current gainfully employed investigators losing a lot of income, if not their jobs. The requirement for a “brick and mortar” building in Missouri for an agency should be dropped as most states do not require this. With regards to the “felon” language, he believes this was passed based on recommendations from the entity that started statewide licensing. It was shortsighted and never should have been, and it should be retracted, however thanks the board for reminding him and everyone that this will have to be addressed with the legislature.

RESPONSE AND EXPLANATION OF CHANGE: brick and mortar rule revised

20 CSR 2234-3.020 Change of Name, Ownership, Location or Private Investigator-In-Charge – Private Investigator Agency

No comments were received.

20 CSR 2234-3.030 Licensure Renewal - Private Investigator Agency

No comments were received.

20 CSR 2234-3.040 Application for Licensure - Private Investigator Agency

No comments were received

20 CSR 2234-3.050 Name and Address Changes – Licensed Agency Investigator Employee

No comments were received

20 CSR 2234-3.060 Replacement of License – Licensed Agency Investigator Employee

No comments were received

20 CSR 2234-3.070 Licensure Renewal – Licensed Agency Investigator Employee

No comments were received

Board response: The statute is clear that the

REVIEW OF COMMENTS RECEIVED RELATED TO CHAPTER 4:

20 CSR 2234-4.010 Application for Licensure – Private Investigator Training

COMMENT: Michael R Thomas. Thomas Training Institute. “In regard to trainers. A statement that a person has been in a supervisory position over other investigators is not as relevant as his experience level. Many potential trainers are investigators like myself who chose to work alone. Also, if you decide to allow a university or technical school to provide training how will you qualify those entities and instructors. Further, there may be classes beneficial to private investigators that are taught by an individual who are experts in that particular subject but are not involved in private investigation. For instance, firearms and proficiency, Concealed Carry, Self Defense, Computer Skip Tracing, Legal aspects (attorneys and Judges sometimes teach these), psychological aspects of interviewing and interrogation, etc. Many of these can be better taught professionals in other fields that have little or no experience as private investigators....”

20 CSR 2234-4.020 Trainer Responsibilities

No comments received

20 CSR 2234-4.030 Name and Address Changes – Private Investigator Trainer

► **COMMENT:** John W. Ellis, President of the Kansas Association of Private Investigators (KAPI) commented that the regulating agency workload created by the requirement to report changes of address, telephone numbers, or e-mail addresses in writing could potentially be lessened by allowing electronic reporting of the changes. The mailing list form currently found on the Division of Professional Registration's website could be adapted to perform this function. This should reduce the regulating costs.

RESPONSE: The board can accept address, telephone numbers or email address changes by facsimile, email or through the United States postal service. The division's current licensing system is not capable of web-based interfacing. Therefore, the board made no changes to the text of the rule.

20 CSR 2234-4.040 Replacement of Renewal License – Private Investigator Trainer

No comments were received

20 CSR 2234-4.050 Licensure Renewal – Private Investigator Trainer

No comments were received

REVIEW OF COMMENTS RECEIVED RELATED TO CHAPTER 5:

20 CSR 2234-5.010

► **COMMENT:** The board made one (1) comment on the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: The board has updated the language in subsection (2)(A) those applicants whose application was on file prior to [REDACTED], and are able to show registration for the previous two (2) years of lawful practice within the last five (5) years.

The board recessed for lunch from 11:40am to 12:30pm

REVIEW OF COMMENTS RECEIVED RELATED TO CHAPTER 6:

20 CSR 2234-6.010

► **COMMENT #1:** John W. Ellis, President of the Kansas Association of Private Investigators (KAPI) commented that the restrictions placed on approved trainers and courses needs to be expanded; it fails to include courses currently being offered which clearly support the purpose of continuing education. As an example, a private investigator who enrolled in and completed a degree-producing course of study at a Missouri university, college, or technical school would, under these restrictions, be required to submit the course work for approval of continuing education credits for licensing, and pay the necessary fees to have it done. That seems unnecessary and inappropriate. In addition, international or national professional associations which currently offer certification courses in investigations, forensics, etc. are not recognized or approved under these restrictions. The private investigator taking these certification courses would also be required to submit them for continuing education approval. The board should either alter the definitions of the approved trainers/courses to include courses at accredited universities, colleges, or technical schools or publish a list of university curriculums or certification courses that are approved. This would reduce the expense for the private investigators trying to comply with the rules and would also reduce the volume of regulatory work that must be performed by the regulating agency. That would also reduce the licensing cost for the private investigator. Either approach would preserve the benefits of continuing education while simplifying the process and reducing the costs.

RESPONSE: misunderstanding of the rule

► **COMMENT #2:** Ron R. Burretta with Ron R. Burretta & Associates, Inc commented that the continuing education requirement should be very broad on what constitutes satisfaction of this requirement. Quality seminars related to the industry or business courses in general should be sufficient. Mr. Burretta states this based on having been an investigator since 1974, having his own agency since 1981, being published in four national magazines in the field of investigations, being published numerous fraud newsletters, obtaining a Bachelor of Science in education, and having presented over sixty (60) lectures to the insurance industry, law firms, and the business communities.

RESPONSE: training set by statutes; statute is broad; reasonable fee; demonstrate relation to profession

REVIEW OF COMMENTS RECEIVED RELATED TO CHAPTER 7:

20 CSR 2234-7.010 Code of Conduct

No comments received.

REVIEW OF OTHER COMMENTS AND QUESTIONS RECEIVED:

► QUESTION: What is the board's definition of a "primary office in Missouri"? Submitted by Terry Threadgill of Clarence M Kelley & Associates.

RESPONSE: This was defined earlier in the meeting.

► QUESTION: "Please define 'Reciprocity' – For what and with whom?" Submitted by Terry Threadgill of Clarence M Kelley & Associates

RESPONSE: The board is unable to define reciprocity until after they have issued licenses. Ms. Goose said that the Board does not have to have a reciprocal agreement with another state in order to issue a license by reciprocity. Mr. McNiel said that licensing someone by reciprocity exempts the applicant from taking the examination.

► QUESTION: "How is armed plain clothes security going to be licensed?" Submitted by Terry Threadgill of Clarence M Kelley & Associates

RESPONSE: The Private Investigation bill does not address licensing security officers.

► QUESTION: "Most of our Private Investigators are licensed with the city of Kansas City, Missouri, as armed. How is that going to change, particularly since the proposed Missouri rules do not mention armed or unarmed?" Submitted by Terry Threadgill of Clarence M Kelley & Associates

RESPONSE: The Private Investigation bill does not address armed or unarmed. However, Mr. McNiel indicated he has recommended to staff to investigate the possibility of introducing legislation that will create an exemption to the CCW statute for armed private investigators.

► QUESTION: "Do you plan to mail the answers to these and other comments or questions to everyone on your mail [sic] list?" Submitted by Terry Threadgill of Clarence M Kelley & Associates

RESPONSE: No, but all of the comments will be within the Final Order.

► QUESTION: "This letter/complaint is from Joe Bramer the person who has emailed with you before, requesting that a former U.S. Treasury Agent or any other retired federal agent who has more than 20 years with the federal government carrying a firearm, and had a successful career and retired with honors, should be exempt from being a 'licensed investigator' in the State of Missouri....." Submitted by Joe Bramer.

RESPONSE: We do not have any type of exemption for experienced former federal, state, or local law enforcement officers.

► QUESTION: Ron Burretta hoping that once licensure goes into effect yellow page advertisements will be inspected.

RESPONSE: If he finds a problem or a violation he can report that as a complaint and it will be handled in that manner.

► QUESTION: ".....this is a very true reason for 'the board' to make an exception, not only for me but all of the other 'upcoming' young 'to be retired' federal agents who will want to become private investigators".....' Submitted by Joe Bramer.

RESPONSE: The statute requires that anyone conducting private investigations must be licensed.

► QUESTION: ".....Is the board aware of any national or state association that certifies or provides accreditation as an expert witness....Submitted by Mike Knoke, CPP, Director of Investigations, Express Scripts Inc, St Louis, Missouri.

RESPONSE: To conduct business as a private investigator in the state of Missouri you have to have a Missouri license unless you fit into one of the exceptions contained in this section. If someone is coming into the state of Missouri to act as an expert witness in a particular matter, that may fall within the parameters of an exception.

DISCUSSION RELATED TO EXAMINATION DEVELOPMENT:

Ms. Goose reported that she contacted Professional Examination Services (PES) because they had written a private investigators examination for another state and they were not interested in expanding their private investigators examination.

Mr. McNiel asked if this was something that would fall under the bid process. Ms. Goose said it depends on the end result. She asked what kind of examination they wanted to put together. She asked if they wanted to write the examination themselves and the questions be typed up and copied, then this becomes their examination. She said if they want to contract with someone to put the examination together, to administer the examination and do everything or give to the board or the applicant the scores. She said that is a bid process and is ownership of an examination.

Mr. Mirchell said that he has taken the Kansas examination and the Arkansas examination. He said the Kansas test is open book and you take it online. Mr. Mitchell said that he found Arkansas's system to be very proficient. He said they send you state statutes, all the writing information. He said their questions were very good. He said it was an untimed test, and it 50 or 100 questions multiple choice. He said it was not open book. He said it was a very tough examination. He said he received his score after he finished the examination.

Mr. McGhee asked there were people at the CLEAR meeting that do this kind of thing. Ms. Goose said that is the people she contacted.

Ms. Goose said that when Psychology started their Jurisprudence examination, they set up item writing or test writing sessions around the state and invited licensee's and potential licensee's to write questions. She said it was the people who were exempted from taking the examination that were writing the questions. She said the Committee then picked out the questions they wanted to use. She said the Committee then reviews their examination annually and correct questions that are being missed the most. She said they didn't pay the people that helped to write the examination but the Committee had to pay for the site and provided lunch to the test writers.

After discussion, Ms Goose will continue to research examination options.

LEGISLATIVE UPDATE:

Ms. Clarkston reported that the legislative packet that was discussed at the last meeting has been approved to proceed by the Division and the Department. It was sent to the Governor's office yesterday and waiting for feedback. She said she anticipates the feedback between the middle of October to the end November. Ms. Clarkston referenced her discussion with Mr. McNiel about the 'conceal and carry issue'. She said she thought the board needed to have discussion about other state statutes relevant to the private investigating. She asked if anyone had any questions about the process for submissions for legislation and how that process is outlined for a state agency.

Mr. McNiel asked where we are in relation to the public comment period. Ms. Clarkston said the in regard to the rules, the public comment period ends on September 4, 2009 and there is a 90-day period to summarize the comments and respond. She said the Final Order of Rulemaking that contains the summary and the board's response is filed. She said the sooner we can file with the Joint Committee on Administrative Rules (JCAR) the sooner we can get the rules filed with the Secretary of State's office means they can be published in the Missouri Register and the Missouri Code of State Regulations then become effective 30 days after that. She said if we can stay on our schedule from before she thinks we can meet those deadlines of December or January depending on when the Final Order is filed. Still on target to maybe be final by end of December or January. Ms. Clarkston offered to begin the summarizations and drafting responses. She said that the summaries and responses will be reviewed by legal counsel and board staff. She said even though the rules will become effective at the same time they will begin starting to work on the next legislative session and work through and with a sponsor to introduce your bill. She said if the bill runs into a huge block of opposition we may be asked to stand down or to look at possibly attaching it to an omnibus bill. Ms. Clarkston said that she will keep Ms. Goose updated and she was sure that Ms. Goose will keep the board members updated also. She said when the hearings are set they will be notified in case they want to be present to testify.

Future Meetings

- September 28, 2009* this meeting was changed to September 30, 2009
- October 26, 2009
- November 30, 2009
- December 21, 2009
- January 25, 2010
- February 26, 2010

A motion was made by Mr. Mitchell and seconded by Mr. Rey to adjourn the meeting at 1:55pm. All approved.

Pamela Goose

Executive Director Signature

September 30, 2009

Date Approved

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.