

Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

---

MISSOURI BOARD OF PRIVATE INVESTIGATOR EXAMINERS  
3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102-1335  
573-522-7744  
573-526-0661 FAX  
800-735-2966 TTY Relay Missouri  
800-735-2466 Voice Relay Missouri  
pi@pr.mo.gov

Pamela Groose  
Executive Director

## Meeting Notice

**Board of Private Investigator Examiners  
September 30, 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**  
**SEPTEMBER 30, 2009                      10:00AM**  
**DIVISION OF PROFESSIONAL REGISTRATION**  
**3605 Missouri Blvd., Jefferson City, MO**

**OPEN SESSION**

<b>10:00am Call to Order</b>	<b>Dwight McNeil Chairperson</b>
<b>Roll Call</b>	<b>Pam Groose</b>
<b>Review and Approval of Agenda</b>	<b>TAB 1</b>
<b>Review and Approval of Minutes</b> - August 28, 2009	<b>TAB 2</b>
<b>Discussion related to Chapter 324.600 to 324.635 licensed private fire investigator examiners</b>	<b>TAB 3</b>
<b>Discussion related to Examination Development</b>	
<b>Rules Update</b>	
<b>Discussion related to trained narcotics K9's</b>	
<b>Future Meetings</b> <ul style="list-style-type: none"> <li>• October 26, 2009</li> <li>• November 30, 2009</li> <li>• December 21, 2009</li> <li>• January 25, 2010</li> <li>• February 26, 2010</li> </ul>	

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

**September 30, 2009 – Open Minutes**

The open session of the Missouri Board of Private Investigators was called to order by Dwight McNeil, Chairperson, at 10:05am on September 30, 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

**Members Absent:**

Kenneth McGhee, Public Member

**Staff Present:**

Pamela Groose, Executive Director  
Roxy Brockman, Administrative Assistant  
Sarah Ledgerwood, Division Legal Counsel

**Visitors:**

Joseph M Weber, Weber & Associate  
David M Roberts, DMR Investigations LLC  
John Rakonick, USIS  
Jacob Boucek, USIS

**Review and Approval of Agenda:**

A motion was made by Mr. Rey and seconded by Mr. Mitchell to approve the open agenda. All approved.

**Review and Approval of Minutes:**

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

**Discussion related to Chapter 324.600 to 324.635 licensed private fire investigator examiners:**

Jane Rackers, Director, Division of Professional Registration, met with the board members to discuss the statute regarding the Board of Licensed Private Fire Investigator Examiners. Ms. Rackers said that she had received a call from someone at the Department of Public Safety about the private fire investigator board. She said she thought the board had been in existence since 2004 but no members have been appointed. Ms. Rackers said the question that was posed to her was what did she think and was there a reason to combine that board with the private investigator board. She said

she wanted to be clear that this was not an official request. She said this was a staff person from the Department of Public Safety making a phone call just trying to get some information. She said she didn't want the private investigator board to think there is any sort of movement afoot or that the Department was taking an official position, it was just exploring a bunch of people who don't know the history asking a bunch of people that probably do know the history what do you think. She said she wanted to talk about this and see what they knew and if there has been some history with the private fire investigators.

Mr. McNiel and the board members provided Ms. Rackers with background information about fire investigation or cause and origin investigation. Mr. McNiel said that cause and origin investigation is just that; cause of the fire is just what it sounds like – what caused this fire, what is it an electrical short, or was it someone pouring gasoline on this stack of newspapers and setting it on fire. He said origin covers where the fire began and he said that is the pure function of a cause and origin investigator. He said the problem begins when a cause and origin investigator goes beyond that function and begins the practice of private investigating by going out and starting to conduct interviews, limited amounts of forensic accounting investigation, photographing various things, obtaining financial records all of the things that go into the back side of the fire investigation which is referred to as motive and opportunity. Mr. McNiel said this issue had been discussed in past meetings and would be reflected in the minutes. Ms. Goose said that she wanted to clarify that this was not a request to exempt cause and origin investigators but that it was a question if this board could also regulate the licensed private fire investigators. Mr. Rackers responded and said yes, that was her question. She said that the question is would it make sense for this board which is up and running and functioning nicely, to take that on. Mr. McNiel said he thought that if the fire investigators were invited to a meeting to explore this and just asked to come and sit down with the Board of Private Investigator Examiners to have a conversation like this. He said if it is cost effective, if it gets them the regulation and the supervision that they wanted or they wouldn't have lobbied for back in 2004, if it gets them up and running and if it is good for the citizens of the state of Missouri from an oversight perspective, then he would have no problem with that. Mr. Rey and Mr. Mitchell both agreed. Ms. Goose asked if any of the fire investigators would also be licensed as private investigators and Mr. McNiel responded yes, there would be several of them. Mr. McNiel indicated he thought this merited more discussion and again reiterated that people from the Fire Marshall's office and from the state cause and origin associations be invited to attend a meeting just for the purposes of exploring and talking about whether or not this might work. Ms. Rackers thanked the board for their time and said she would call the person back with the Department of Public Safety and indicate they were receptive to more discussion.

Ms. Clarkston was present to respond to a question that Mr. Mitchell had in regard to the carry and conceal issue. Ms. Clarkston said she knew that carry and conceal was part of the original proposal for the board was for their licensee's to carry but because it was an issue for the governor at that time it was taken out. She said she was going to take this back to the governor's office for this administration to give her some guidance as far if this was something we are going to have to deal with and what their feeling was about that. She said a meeting was scheduled for Friday with the governor's office to discuss the division's legislative proposal as a packet and she was going to talk to them about the carry and conceal issue then. She also said in regard to other state statutes Kansas City and St Louis have state statutes that authorize them to license private investigators and her question to the governor's office will be how we address that, because this law says that this

supersedes anything. She said she wanted want to make sure that if the division moves forward with the proposed amendments that those two issues are addressed at the same time.

In response to a question posed by Ms. Groose, Mr. McNiel responded that he did not think that this would be another license but that it would be a level added to a license. Mr. McNiel added that he would like to see, as was in the original legislation, that the training standards be set by the Missouri Department of Public Safety. He said he would also like to see that the standards are at least as great as they are for any other POST certified police office in the state. Ms. Clarkston asked about what year the standards were in the proposal and Mr. McNiel responded that it was during Governor Holden's administration. Ms. Clarkston said she would take the information with her when they met with the Governor's office later in the week.

### **Rules Update**

Additional comments were received prior to the end of the official comment period and they were discussed at this time.

**David M Roberts** -- The board recognized David M. Roberts, DMR Investigations, LLC, to address the board. Mr. Roberts had submitted a letter that requested clarification of the rule in regard to repossessions and being exempted from licensure. The board discussed this in light of 324.1106 and Mr. McNiel said that it was not the intent of the statute to regulate those people that are engaged in the act of repossessing but Ms. Ledgerwood would research this question and Mr. Roberts would receive a response in writing. In further discussion, if it was determined that Mr. Roberts is exempt from licensure then he may need to change his name as it is currently called DMR Investigations, LLC.

### ***R Franklin Rowlette***

Comment: "I think these rules were "made up" without regard for the rules we (in Kansas City) have been under for decades. I believe St. Louis also has a set of rules they have observed which may differ from those in Kansas City."

*Response: St Louis does not have a set of rules that differ from those in Kansas City. It is not true that the private investigator legislation was made up without regard for the rules regulating private investigators in Kansas City. Ms. Clarkston will provide the dates that town hall meetings were conducted in Kansas City to Ms. Groose and both the Kansas City area associations and Kansas associations were notified of these meetings.*

Comment: "There is no mention of powers of arrest or detention".

*Response: The statute does not authorize private investigators to have any powers of arrest or detention. Mr. McNiel said he was not aware of any state that allowed private investigators to have any powers of arrest or detention, that those are powers limited to law enforcement officers.*

Comment: "There is no mention of keeping confidential any information learned or obtained from law enforcement agencies."

*Response: There is a specific provision within the statute that deals with the only areas that may be protected as confidential information and the release of that information on a limited basis to the board. But confidential information learned or obtained from law enforcement agencies by private investigators is not protected.*

Comment: "There is no provision for being armed".

*Response: The original bill did have the CCW language and it proposed an exception to the CCW statute but this was removed for political reasons so that the bill could be expedited and*

*become law. The board will explore revisiting that issue with the current administration in the upcoming legislative session.*

Comment: "Above all, the costs of licensure are way too high, both for companies and individuals".

*Response: He will be provided with an explanation of how the fees were determined.*

*Mr. Rowlette will be told that there is no language or authority within the statute to exempt someone with his level of experience or expertise.*

Comment: Complaint about board selection and regarding proposed rules for private investigators.

*Response: The requirements for board members is outlined in the statute.*

The facts and history of contact and discussion with members of KAPI or KALI will be provided to him.

**John W Ellis --** Ms. Goose brought this particular comment back to the board's attention to clarify the CE rule. After discussion, the board will go ahead and file the current proposed CE rule and then immediately file an amendment, once the rule has become effective. The amendment will provide guidelines for courses that will automatically be accepted without going through the course approval process i.e., a profession related course given by an accredited college or university.

Ms. Goose reported that it will be possible to produce a license with a picture on it but the board will need to buy the necessary equipment that is compatible with Professional Registration's licensing system (PROMO). She said that it also may be possible that the cost of purchasing equipment etc. can be shared with the other professions she is the Executive Director for, if the other professions choose to go with this type of license.

#### **Discussion related to trained narcotics K9's**

Tom Crossley submitted a letter indicating that he is starting a business where trained narcotics K-9's to search private residences and businesses to support their drug free programs. Information is provided to the home or business owner with information so they can contact the police etc for assistance.

*Response: If the scope of his business is limited to marking the area where his dogs "hit" and he is not conducting follow up investigation, the board did not think he would have to be licensed and Ms. Goose will direct him to the statutory authority that outlines the scope of practice for private investigation.*

The board recessed for lunch at 11:50am and resumed the meeting at 1:10pm.

#### **Discussion related to Examination Development:**

Ms. Goose said unless the board members develop their own test questions, administer the test, and score the test etc, then the board will need to submit a Request For Proposal (RFP) or an Request for Information (RFI), which may be the best thing to start with. She said if it is thought the creation of the examination is going to be over \$25,000.00 then it is a statewide RFP and goes through the Office of Administration. She said if it's cost is under \$25,000.00 but more than \$3,000.00 three (3) bids will still have to be obtained but it is a quicker process. In response to a question Mr. McNiel posed Ms. Goose indicated that if someone approached the board and offered to develop a test and the cost of the development of the test was \$3,000.00 or less then the board would not be required to go through the bidding process.

The board members agreed on the following points in regard to the examination:

- Contract with someone to develop a test consistent with the things that have been discussed before;
- Examination to be comprised with 75% of the questions relevant to the statute/rules and 25% of the questions relevant to general Missouri rules of civil procedure and law;
- Board staff will administer the examination;
- 75 question examination;
- 70% to pass

Mr. McNiel suggested that letters requesting information on test development be sent out to all those who have indicated an interest and/or ability to construct an examination to submit a proposal by the next meeting.

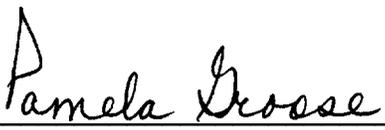
Joseph Weber, a visitor, was asked about test development and he provided the board with a brief history of his experience. It was Mr. Weber's opinion that the development of a test for the Board of Private Investigators could be accomplished for under \$3,000.00.

After discussion by the board in regard to being required to take the examination Ms. Groose will talk to Ms. Clarkston about deleting the February 28, 2011 date from 20 CSR 2234-5.010 (2) (A) as long as it will not delay the filing of the rules. If it will affect the filing of the rules then the Board can submit an amendment to the rule as soon as it becomes effective.

**Future Meetings:**

- October 26, 2009
- November 30, 2009
- December 21, 2009
- January 25, 2010
- February 26, 2010

A motion was made by Mr. Rey and seconded by Mr. Mitchell to adjourn the meeting at 2:05pm. All approved.

  
\_\_\_\_\_  
Executive Director signature

October 26, 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