

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
December 14, 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
DECEMBER 14, 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 - October 26, 2009	TAB 2
Proposed Application Forms	TAB 3
Report on Presentation at MAPI Meeting	TAB 4
Discussion related to foreign corporations	TAB 5
Discussion related to 324.1100, (9), (f)	TAB 6
Update related to license card machine	
Rules Update	
Update related to Statute 324.1114, 3	
Legislative Update	Connie Clarkston
Future Meetings <ul style="list-style-type: none"> • January 25, 2010 • February 26, 2010 	
11:30am Meeting with Dept Director of Communications	Travis Ford
Closed Session to Review and Discuss Exam Proposal	

Tentative Agenda
BOARD OF PRIVATE INVESTIGATOR EXAMINERS
DECEMBER 14, 2009
DIVISION OF PROFESSIONAL REGISTRATION
3605 Missouri Blvd., Jefferson City, MO

CLOSED SESSION
WILL BEGIN AT END OF OPEN SESSION

Review of Proposed Examination
Back to Open Session

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

December 14, 2009 – Open Minutes

The open session of the Missouri Board of Private Investigators was called to order by Dwight McNiel, Chairperson, at 10:15am on December 14, 2009 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, MO 65109

Members Present:

Dwight McNiel, 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

Visitors:

Joseph M Weber, Weber & Associate
Tom Smith, Ispirian Computer Forensics
John Rakonick, USIS
Lt. Chris J. Stocker, St Louis County Police Department
Greg Coxen, St Louis County Police Department
Beth Hunsdorfer
Geo Pawlaczyk

Review and Approval of Agenda

It was suggested to accommodate the visitors from the St Louis County Police Department the items in Tab 6 will be looked at first. A motion was made by Mr. Mitchell and seconded by Mr. Rey to approve the agenda. All approved.

Minutes

A motion was made by Mr. McGhee and seconded by Mr. Rey to approve the minutes from the September 20, 2009 meeting as submitted. All approved

Discussion related to 324.1100.(9),(f)

Mr. McNiel said a question arose after the most recent MAPI meeting and a conversation he had with an executive from Clarence M Kelly and Associates. He said this portion of the rule indicates a person is engaging in the act of a private investigating if they are engaged in "the cause of responsibility for libel, losses, accident, or damage or injury to persons or property or protection of life or property." He said the question was whether or not persons deemed engaging in the business of executive protection were covered under this definition of this particular portion of the statute. He said it was the position of Clarence M Kelly and Associates that persons who are engaging in the business of executive protection details or body guarding should be required to be licensed as a private investigator. Mr. McNiel said he had requested that Ms. Groose have legal counsel look at this statutory language and give a legal opinion during the meeting.

Lt. Chris Stocker, St Louis County Police Department, said that since 1979 the St Louis County Police Department has been licensing security officers, couriers and watchmen and said they also have questions with regard to this particular portion of the statute. He said this description describes the function of security officers, couriers and watchmen within St Louis city and county. He said their concern

was someone being able to obtain a PI license and then being able to function as security officers, couriers and watchmen in St Louis County without having to go through their training.

Mr. McNiel said he did not believe it was the position of the board or the legislative intent from the beginning to attempt with this statute to license, regulate or become involved with security officers. Bail bondsmen, repossession agents or watchmen, He said the reason this discussion was occurring was because Kansas City had a license available that authorized those people who were engaging in the business of executive protection in plain clothes to be armed or unarmed. Mr. McNiel provided Lt. Stocker with background information related to the history behind the current private investigator statute. Mr. McNiel said that they did not foresee the niche in the municipal Kansas City area for armed plainclothes persons engaged only in the business of executive protection details. He said the board's position has been and still is the board doesn't want to get into the uniformed security areas of regulation. He asked Lt. Stocker if somebody wanted to come into St Louis County and engage in the business of providing executive protection to dignitaries, entertainers or whomever, would that person be required to be licensed by his agency. Lt. Stocker replied yes.

Ms. Ledgerwood offered her interpretation of the statute and said that she thought subparagraph 9 talks about what private investigator business is. She said she did not think it contemplated executive security because it talks about any investigation for the purpose of obtaining information pertaining to and then lists the six (6) items underneath. She said she did not think there was a problem based on the definitions that are established in the statute. Ms. Ledgerwood confirmed the statute allows somebody to investigate and gather information related to responsibility for libel, for losses, for protection of life, and any issue that is associated with that. She said she looked at the definitions for watchmen in Kansas City and St Louis and they are clearly defined and establish very different jobs.

Ms. Goose reported that Kansas City will no longer be requiring a license. She said they just went through a renewal process and those licenses will be valid until they expire and that will allow those people to continue to practice in Kansas City until they obtain the state license..

Proposed Application Forms

The board members reviewed and offered suggested changes that will be implemented. The following application forms were included for review:

- Sample Application for Licensure – Private Investigator Flow Sheet. Application for Licensure – Private Investigator
- Application for Licensure – Private Investigator Agency
- Application for Licensure – Additional Private Investigator Agency
- Application for Licensure – Licensed Agency Investigator Employee
- Application for License – Private Investigator Trainers

The following application form will be tabled until January 25, 2010.

- Application for Continuing Education – Course Approval

Travis Ford, Director of Communications, Department of Insurance, Financial Institutions and Professional Registration met with the board. Mr. Ford provided a sample press release as well as a list of agency and organizations to send the press release which was reviewed and revised by the board. Mr. Ford will also look into the possibility of setting up some talk radio interviews.

The board recessed for lunch at 12:05pm and returned at 1:05pm

Report on MAPI Meeting:

A copy of the private investigator presentation that was given during the MAPI meeting on Saturday, December 5, 2009, was enclosed for the board's review. Ms. Goose said she had received comments from John Ellis that she thought would be incorporated for future presentations. She said it was the intention to place the presentation on the website.

Discussion related to foreign corporations:

Ms. Ledgerwood will research this issue and this item will be revisited at the next meeting.

Update related to license card machine

Ms. Groose reported the scanner and card machine is being procured and will be set up and ready to go by February 1, 2010. She said the card machine will be able to write information to both sides of the card.

Rules Update:

Ms. Groose said the rules are set to become final on January 30, 2010 as anticipated.

Legislative Update:

Ms. Clarkston is waiting to talk to Representative Wasson and they are looking for a senate sponsor. Mr. McNiel suggested that Don Kissel, MAPI's lobbyist, be contacted and try to coordinate efforts. Mr. McNiel said that John McCarthy from the St. Louis area is the new president of MAPI as of Saturday, December 5, 2009.

Future Meetings:

- January 25, 2010 – Mr. Mitchell may have a conflict with this date but will let Ms. Groose know closer to the meeting.
- February 26, 2010 – Mr. McNiel may have a conflict with this meeting and will let Ms. Groose know as soon as possible.

A motion was made by Mr. Mitchell and seconded by Mr. Rey to go into closed session at 1:30pm for #7 and #9. Mr. Mitchell, Mr. Rey and Mr. McGhee all approved.

A motion was made by Mr. Mitchell and seconded by Mr. Rey to adjourn the meeting at 2:00pm. All approved.



Executive Director Signature

January 25, 2010

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.