

Board of Private Investigative & Security Services
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2
Montpelier, VT 05620-3402
UNAPPROVED MINUTES
Meeting of December 18, 2009

1. The meeting was called to order at 9:00 A.M.

Members present: Robert E. Edwards, Chairman, James R. Eckhardt, Vice-Chairman, Michael P. Jennings, Secretary, Stacey Nelson and Emma J. Pudvah.

OPR Personnel: Christopher D. Winters, OPR Director and Carla Preston, Unit Administrator. Kevin J. Leahy, Board Counsel participated via phone.

Others present: Richard B. Murphy and Todd E. Perkoski.

2. The Chair called for approval of the Minutes of the November 20th meeting. Mr. Eckhardt made a motion, seconded by Ms. Pudvah, to approve the Minutes of the November 20, 2009 meeting as presented. Motion passed unanimously.
3. Reports
4. Hearings/Stipulations/Reports of Concluded Investigations
5. Legislation/Rulemaking

Christopher Winters, Director of the Office of Professional Regulation, attended the meeting to discuss the redesign of certificates (licenses), agencies of sole proprietors, and legislative changes. Director Winters described the changes in the certificates as well as the wording on them. He said it used to state "limited to the practice of" and indicate the type of practice. They have now broken the license types out to state private investigator or security guard. They have added a watermark with the State seal, changed the font and dressed up the pocket card by including the seal and the Secretary of State's signature. He said the title (Mr., Ms., etc.), has been removed and the agency name will also appear on the pocket card. He said they cannot use heavier stock certificate paper with the current printers. He said unarmed status has been removed and will not print on the certificate. He said that Armed would appear on the license or certificate if applicable. He said the pocket cards may be laminated. He acknowledged that there is not a lot of room on the pocket card for a photo.

The Board found the new design much better than the previous certificates. The Board asked that new certificates be issued to private investigators. Security agencies may receive an updated certificate upon request.

Director Winters mentioned the problem that arose when sole proprietor agencies were no longer required to register or renew. When those agencies did not renew their status changed to lapsed. The agency license was still tied to the person (i.e., private investigator or qualifying agent). Therefore, the status of the person (QA with a prefix of 066) was active but showed their agency or business as being inactive or lapsed. Since the businesses (sole proprietor agency) are not required to be registered or renew they would not be searchable on the website. Director Winters said to solve the problem, sole proprietor agencies or businesses need to register and/or renew. He said notices will be sent to all sole proprietors advising them that they need to renew or register the name of their business or agency. There would be no fees associated with the registration or renewal. The statute would be amended to require all agencies to register and renew.

5. Legislation/Rulemaking - continued

Ms. Preston agreed to develop an application for sole proprietor agencies (no employees). The agency must be renewed every two years but no fee would be charged unless approved by the legislature at a later date. The individual person who has met the experience requirements and successfully passed the examination may become licensed (066). A licensed person may work independently as a sole proprietor or become a qualifying agent of an agency with employees. An established sole proprietor agency that later decides to hire employees must complete the proper full agency application and pay the appropriate fees.

Director Winters mentioned the Board's statutory changes including the reorganization of fees. He said the changes are mainly for clarification purposes only. He asked the Board about the licensing requirement for guard dog handlers and whether that provision should be removed since no one is currently licensed as such.

The Board concluded that licensure requirements for guard dog handlers should be kept since it is in existence. It may become an issue in the future since dogs are trained for different purposes.

Director Winters agreed. The provision for guard dog handlers will remain in the statute.

Attorney Leahy participated by phone to discuss the proposed changes in certain sections of the statute. He indicated that due to pushback from the legislature they were not moving forward regarding the change in terminology of security guard to security officer. There was concern about the state issuing a license as an officer. The connotation of officer is a state officer versus a guard which is what they have been called for many years. He said a guard is recognized as a non enforcement person. He said it is too controversial for OPR to take on. He said it could hang up the bill if it was included.

The Board discussed sections 3162 (7) (part-time employees) and 3176 (full-time employees) regarding temporary permits. Even though the sections of the statute were not logically under the same category, the Board believed that they covered temporary permits for both fulltime and part-time registrants.

The Board will be forwarded a copy of the proposed legislative changes.

6. Applications for Licensure

- a. Todd E. Perkoski – Unarmed Private Investigator with FYI Investigative Group, LLC (FYI) requested a waiver of the 40-hour training requirements. At its November 20th meeting the Board found insufficient information regarding Mr. Perkoski's training pertaining to Vermont Law. Richard B. Murphy and Todd Perkoski with FYI (formerly with Claims Verification Incorporated) were present to discuss this matter with the Board. The Board reviewed Mr. Murphy's December 17, 2009 letter and his former company's code of business conduct to support his training. Mr. Perkoski said he manages 18 – 20 investigators regarding Vermont law. He is currently an investigator with FYI. He said he has never had any complaint or issue raised against him. He said he keeps up-to-date with current law changes. Mr. Perkoski said he feels his experience would support his request for a waiver. He said he trained with an ethical company and has a strong code of conduct. Mr. Perkoski stated his knowledge of certain laws.

Mr. Murphy said Mr. Perkoski was previously registered with OPR. He said he reviewed the laws and rules that are on the web site with Mr. Perkoski and indicated that he has trained two Vermont investigators. They reported that Mr. Perkoski was not previously approved as an instructor.

6. Applications for Licensure - continued

Based on the additional information provided, Mr. Jennings made a motion, seconded by Mr. Eckhardt, to grant Mr. Perkoski's request waiver of the 40-hour training requirements. The question was called and the motion passed unanimously.

7. Training Program Review

8. Miscellaneous Correspondence

9. Public Comment

10. Other Business Introduced

11. The next meeting of the Board is scheduled for **January 15, 2010** at 9:00 AM.

12. There being no further business, the meeting was adjourned at 10:40 AM.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation