

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 April 24th, 2009

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

Members present: Robert Edwards, Chair; James Eckhardt, Vice-Chair; Michael Jennings, Secretary and Emma Pudvah, Public member. Absent: Stacey Nelson.

OPR Staff: Patty Skinner, Administrative Assistant; Carla Preston, Unit Administrator; Kevin Leahy, Board Counsel and Gregg Meyer, State Prosecuting Attorney.

Others Present: James Brigham, Jeremy Spaulding and Francis Kinney.

2. The Chair called for approval of the Minutes of the March 20th, 2009 meeting. Ms. Pudvah made a motion, seconded by Mr. Jennings, to approve the minutes as read. Motion passed unanimously.

3. **Hearings/Stipulations/Reports of Concluded Investigations**

- a. A hearing was held in the matter of James O. Brigham, Jr. whose application was preliminarily denied on the basis that his experience obtained while unregistered or unlicensed would not qualify him for licensure. Mr. Brigham was present. Attorney Leahy presided for the Board. Attorney Meyer was present for the State. It was clarified that the applicant was denied because he did not meet the experience requirement and the scope of the hearing was limited to that issue. The Board went into deliberative session at 9:22 AM and out at 9:50 AM. The Board found that Mr. Brigham had the requisite experience for licensure. Mr. Eckhardt made a motion, seconded by Chairman Edwards, to vacate the denial and grant Mr. Brigham licensure. The question was called and the motion passed unanimously.

5. **Legislation/Rulemaking**

- a. Attorney Leahy and Ms. Preston agreed to draft some proposed legislative changes for Board review within the next couple of months.

6. **Applications for Licensure**

- a. Christopher Wylie – Unarmed security guard with Veracity Research Company. Based on the information provided, Mr. Eckhardt made a motion, seconded by Mr. Jennings, to approve Mr. Wylie for registration. Motion passed unanimously.

7. **Miscellaneous Correspondence**

- a. The Board reviewed an Email from Dave Yendell with a question concerning the limits of a private investigator doing security type work under certain circumstances. The Board stated that a private investigator could perform the type of security work mentioned by Mr. Yendell.

- b. The Board reviewed the letter from David Eliassen requesting to change from a sole proprietor to an employing agency without having to go through the regular process. The Board concluded that Mr. Eliassen would have to complete an application for an agency and pay those required fees. Since Mr. Eliassen is already licensed (prefix 066), the FBI background check and examination are not required. If the president and secretary of his business is not Mr. Eliassen, a background check must be performed on those officers.
- c. The State of Virginia requesting information regarding Private Prisoner Transportation Companies was reviewed and noted.

8. **Budget Review**

9. **Public Comment**

- a. Francis Kinney from Deter Security was present to discuss FBI checks on all registrants and clarification of the statutes, in particular regarding traffic control. The Board indicated that it is still looking into full background checks for all registrants. The Board's February 20, 2008 Memorandum clarified requirements for traffic control and provided examples of situations fitting the exemption and when licensure would be required. The Board agreed that some statutes needed further clarification and plans to submit proposed changes in the next Office bill.

Mr. Kinney also mentioned the new database download, and was concerned that it did not show the agency/company employing a registrant.

- b. Jeremy Spaulding from Green Mountain Concert Services was present to discuss the FBI record checks. He stated that L1 Enrollment (www.l1enrollment.com) provides Identification Centers for other states (Michigan, New York, Illinois and California) that are within a certain radius. The Board had no objection to Mr. Spaulding continuing to research L1 and whether that organization was interested in making a presentation to the Board.

10. **Other Business Introduced**

- a. Based on the hearing held earlier in the meeting, the Board voted to send a letter to the Defender General explaining that contract people performing investigative work (i.e., former or current law enforcement officers, paralegals, etc.), are not exempt and must be licensed as a private investigator by the Board. The exemption may cover an employee of an organization (not multiple organizations) but does not cover a contract person performing background checks and other investigative work for multiple organizations.

Ms. Preston will draft a letter for Board consideration to the Defender General indicating that persons performing investigative work or paralegal work must be licensed.

- b. The Board implemented its new policy regarding attendees at meetings. Attendees must sit away from the table until called upon by the Board for comments. Others wishing to address the Board but not listed on the Agenda may speak when recognized by the Board.

- c. The Board reviewed the email exchange from Jennifer Whitlow with MVM, Inc. concerning prisoner transportation with the United States Marshals Service in Burlington, Vermont. Based on the discussion that ensued, the Board agreed that persons providing that service must be licensed. Attorney Leahy will draft a statutory amendment of Section 3151 that further clarifies the requirement.
11. The next meeting of the Board is scheduled for **May 15, 2009 at 9:00 AM.**
12. There being no further business, the meeting was adjourned at 11:18 a.m.

Respectfully submitted,

Patty Skinner, Administrative Asst.