

NEW MEXICO PRIVATE INVESTIGATOR AND POLYGRAPH BOARD
Regulation and Licensing Department
2550 Cerrillos Road, 2nd Floor, Hearing Room 1
Santa Fe, New Mexico

Regular Board Meeting
December 7, 2007

MEMBERS PRESENT:

Donald Jochem, Board Chair
Jim Wilson
Gurutej Khalsa
Butch Cassidy
Al Stotts

MEMBERS ABSENT:

STAFF PRESENT:

Mary James, Board Administrator
Dona Tafoya, Administrative Assistant
Pamela Barrone, Compliance Officer

OTHERS PRESENT:

See Sign-In-Sheet

I. Call To Order:

Chair Jochem called the meeting to order at 9:35 am, roll call was taken and a quorum was established.

II. Approval of Agenda:

Mr. Wilson moved for approval of the agenda as amended; Mr. Khalsa seconded, motion passed unanimously.

III. Approval of Minutes – October 5, 2007 (Regular Board Meeting).

Mr. Khalsa moved for approval of the October 5, 2007 Regular Board Meeting minutes. Mr. Stotts seconded, motion passed unanimously.

IV. Date and Place of Future Meeting:

Tentative meeting date: Friday, January 18, 2008, 9:30 am in Santa Fe, New Mexico.

V. New Business – NONE

VI. Old Business: Rules Committees - Progress

A. Rules Progress – Pamelya Herndon (Moved to End of Agenda)

Deputy Superintendent Pamelya Herndon entered the meeting after executive session; with her was Regulations and Licensing's new Superintendent Kelly O'Donnell. Ms. Herndon then went straight into a discussion on the progress of the new rules.

Ms. Herndon and members of the Board had an in-depth discussion on the rules pertaining to training, security guards, new guard cards, levels of guards and continuing education. Ms. Herndon asked the Board members to work on their draft and to get it to the Administrator as soon as possible and no later than January 9, 2008. This would give the Administrator time to get the rules in the required format.

B. Nighthawk Investigations – Andrew T. Janowsky

Chair Jochem asked Mr. Janowsky for a brief overview of his business and his reason for attending this Board meeting.

Mr. Janowsky reported that his company, Nighthawk Investigations, is based out of Durango, Colorado. He also reported that before opening this company he had been a police officer for 15 years. He introduced his business partner Lee Williamson who was also an ex-police officer. Their business consists mostly (95%) of cases having to do with workers compensation for some of the larger carriers in Durango, which is about 200-300 cases a year.

Since the business is located about 20 miles north of the New Mexico border, they are running into their subjects crossing the New Mexico border to go into Farmington to go shopping or conduct business. Since they are doing surveillance of these subjects they are finding themselves unable to make a full report due to the fact that they are unable to come into New Mexico since they are not licensed here.

The Board checked with Board Counsel and she relayed that the rule on New Mexico residency could not be waived. The Board then suggested to

Mr. Janowsky that he get together with a Farmington licensed Private Investigator and to subcontract under their license. The Board asked Ms. Tafoya to print a list of New Mexico licensed Private Investigator for Mr. Janowsky to take home with him.

C. #10 – Request for Reconsideration of P.I. Application – Phillip Brooks

Ms. James reported that Mr. Brooks had agreed to come before the Board at this meeting to answer any questions the Board may have. Ms. James reported that Mr. Brooks did not show up nor did he call to say he wasn't coming.

The Board directed the Administrator to send Mr. Brooks a letter inviting him to the January 18, 2008 in order for the Board to give Mr. Brooks further consideration of his application. The Board also wanted it noted in the letter that if Mr. Brooks did not attend the January 18, 2008 meeting it would mean automatic denial of his application. Also to be noted that even though Mr. Brooks attended the January 18, 2008 Board meeting it would not mean automatic approval as well.

VII. Deliberation/Action on adjudications, complaints and licensing matters.

Motion was made at 10:10 am by Chair Jochem seconded by Mr. Khalsa to enter into Executive Session pursuant to Sections 10-15-1.H (1) and (3) of the Open Meetings Act. Motion passed unanimously.

Executive Session

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Motion was made at 10:55 pm by Chair Jochem, seconded by Mr. Khalsa to enter back into open meeting. Motion passed unanimously.

Open Session: Decisions/Actions on Executive Session agenda.

Chair Jochem made the following **Motions**:

- A. The Board reviewed case #11 and motioned to approve the applicant licensure.
- B. The Board motioned to accept the Complaint Committee's recommendation to dismiss complaint #2007-08.

Mr. Stotts seconded the **Motions** (Roll Call: Don Jochem, Butch Cassady, James Wilson and All Stotts voted in the affirmative with Gurutej Khalsa abstaining). **Motions** passed unanimously.

ADJOURN – Chair Jochem adjourned the meeting at 11:15 am.

Submitted By:

Mary James, Board Administrator

Date

Approved on Behalf of the Board By:

Don Jochem, Chairman

Date