



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Private Investigations Advisory Board

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4650 ▪ Fax (505) 476-4545 ▪ www.rld.state.nm.us/privateinvestigatorpolygraph

NEW MEXICO PRIVATE INVESTIGATIONS ADVISORY BOARD

Regulation and Licensing Department

2550 Cerrillos Road, 2nd Floor, Hearing Room 1

Santa Fe, New Mexico

Special Board Meeting June 16, 2009

MEMBERS PRESENT:

Donald Jochem, Board Chair

Gurutej Khalsa

Mark Smith

Jim Wilson

DRAFT MINUTES

MEMBERS ABSENT:

Al Stotts

STAFF PRESENT:

Steve Herrera, Board Administrator

Julie Ann Meade, Acting Deputy Superintendent/Chief Counsel

OTHERS PRESENT:

See Sign-In-Sheet

I. Call To Order:

Chair Jochem called the meeting to order at 10:26 am, roll call was taken and a quorum was established.

II. Approval of Agenda:

Mr. Khalsa moved for approval of the agenda Mr. Smith seconded, motion passed unanimously.

III. Approval of Minutes – May 5, 2009 (Special Board Meeting).

Mr. Khalsa moved for approval of the May 5, 2009 Regular Board Meeting minutes as amended. Mr. Smith seconded, motion passed unanimously.

IV. Date and Place of Future Meeting: Established at May 5, 2009 Regular Board Meeting.

V. New Business – Psychological Evaluations

Mr. Herrera handed the board a copy of the rules for law enforcement officials as they pertain to psychological evaluations. Mr. Herrera mentioned that the copies were obtained from Mr. Mark Shea of the New Mexico Law Enforcement Academy. He also mentioned that the board was

**Private Investigators Advisory Board
SPECIAL BOARD MEETING JUNE 16, 2009**

obligated to start requiring Psychological Evaluations prior to licensure for Level 3 Security Guards as of July 1st 2009. Mr. Herrera suggested that the department use these rules as a template for what would be proposed for the departments rule change.

Mr. Herrera went on to state that Mrs. Linda Trujillo had done some research into obtaining a possible avenue for providers of psychological evaluations. Mr. Khalsa emphasized the importance of allowing the guard to choose the instrument for which the psychological evaluation is obtained for cost purposes. Mr. Khalsa went on to state that he has heard of other testing instruments that were very cost effective and that further research into these would be helpful.

Some confusion came about as to whether or not the examinations would be required for renewals or initial licensure. Mr. Herrera mentioned the fact the language in the rules did not call for an examination at renewal time. Ms. Meade interjected by stating it was up to the board to decide if an examination should be required at renewal time or if the requirement should ask for a one time examination. Mr. Wilson stated that the burden seemed very heavy to require a Level 3 security guard to undergo such an examination. Ms. Meade again stressed the importance of clarifying in the rule whether or not the board is going to ask for an examination at renewal time or not. Mr. Jochem asked if this decision needed to be made today and Ms. Meade stated in the negative.

Mr. Jochem felt that the requirement should be made for initial licensure only. Mr. Wilson stated that maybe there was another testing instrument available at which time Mr. Herrera stated he would do some further research into said possibility. Mr. Raven Hicks approached the board and stated that when he took a psychological evaluation for his former police officer duties that he took a test initially and the scores of the test indicated whether or not an interview and full psychological evaluation would be needed. Mr. Jochem and Mr. Khalsa stated that that could be a possible avenue as well. Mr. Herrera also stated that he would schedule a special meeting before July 1 so as to further explore the possibilities.

Mr. Khalsa asked about the grandfathered Level 3 security guards. Ms Meade stated that again this was something that needed to be addressed when the rules are presented, mainly if the board wanted to require the previous people to be examined one time at renewal. Mr. Smith stated that it might be a good idea to defer the requirement for existing guards at least until next renewal because of the lack of time and the staggering financial impact. Mr. Smith asked if the board was bound by using the current testing mechanism at which Ms. Meade stated that the rule was vague and gave us some flexibility. Mr. Jochem asked if the board was obligated to require previous guards to be examined. Ms. Meade stated that again that would have to be clearly defined in the rules if the board was to recommend the requirement.

VI. Old Business:

None

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

**Private Investigators Advisory Board
SPECIAL BOARD MEETING JUNE 16, 2009**

Motion was made at 10:47 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. A roll call vote was taken and Mark Smith, Jim Wilson and Gurutej Khalsa answered yes and the Motion Passed Unanimously.

Motion was made at 12:50 pm by Mr. Khalsa, seconded by Mr. Wilson 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 #2009-99 and motioned to deny the applicant licensure due to insufficient experience. Notice of Contemplated Action will be sent to applicant.
- B** Board Review and Action – Complaint Committee Recommendation:
 - 1. **2009-98** – recommendation to revoke PPO license.

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

ADJOURN – Chair Jochem adjourned the meeting at 12:59 pm.

Submitted By:

Steve T. Herrera, Board Administrator

Date

Approved on Behalf of the Board By:

Don Jochem, Chairman

Date