

NEW MEXICO PRIVATE INVESTIGATOR AND POLYGRAPH BOARD
Regulation & Licensing Department
Toney Anaya Bldg., 2550 Cerrillos Rd., Hearing Rom. 2 – 2nd Floor
Santa Fe, New Mexico

Regular Board Meeting
October 20, 2006

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

Mary James, Board Administrator
Dona Tafoya, Administrative Assistant
Pamelya Herndon, General Counsel

OTHERS PRESENT:

See Sign-In Sheet

I. Convene-Roll Call

Chair Jochem called the meeting to order at 9:10 am, roll call was taken and a quorum was established.

II. Approval of Agenda

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

III. Approval of Minutes – July 10, 2006 (Regular Board Meeting)

Mr. Wilson moved for approval of the July 10, 2006 Regular Board meeting minutes; Mr. Cassidy seconded, motion passed unanimously.

IV. Date and Place of Future Meeting

Tentative meeting date: Monday, December 11, 2006, 9:00 am in Santa Fe, New Mexico, Regulation & Licensing Department.

V. New Business

Border Investigations, Mary James, Board Administrator, informed the Board members that a Mr. John E. Feighery, an out of state Private Investigator, had been approved to come into New Mexico and conduct investigations on a one time basis. The subject was discussed at length during that December 18, 2002 Board meeting and it was concluded that Mr. Feighery would be given a letter of permission to conduct this one time investigation in New Mexico without a license. The problem is that there was no expiration noted or given to Mr. Feighery. Mr. Feighery has sent in a fax on many occasions stating that he was going to come into New Mexico to conduct his one time investigation. He was given permission to do so by the previous Administrator and the current Licensing Clerk Dona Tafoya due to there not being an expiration or limit given.

A short discussion among the staff and Board members ensued and the following motion was made: Mr. Stotts motioned that the Board inform Mr. Feighery that the approval which was given to him at the December 18, 2002 Board meeting was meant to be a ONE-TIME approval. The letter will further state that at this time the Private Investigator and Polygraph Board does not have reciprocity with any State and cannot accommodate him on further requests. Mr. Khalsa seconded, the motion passed unanimously.

VI. Old Business

The proposed legislation was discussed at length with members of the audience, following are highlights of those issues raised.

Mr. Raul Saenz with James Hamilton Construction brought up the issue of training requirements in the proposed legislation. Mr. Khalsa explained that it isn't the Board's objective to make it difficult on contractors or security personnel, it is the Boards objective to raise the level of professionalism and serve the needs of the

public. Mr. Khalsa went on to explain that there will be minimum standards that all personnel will have to meet before they can start their employment.

Mrs. Yolanda Gonzales also wanted to express her concern on the proposed training requirements. Mrs. Gonzales explained that being from Las Cruces most of her applicants are college students so turnover is high.

Mr. Cassady explained how the proposed training requirements would not only benefit the employee but the employer as well. These minimum standards have been proven to bring in a higher standard applicant, more professional and more reliable.

Mr. Mike Gonzales with Security Concepts asks “40 hours of training aside, who will be doing the background investigation on these applicants?”

Mr. Cassady responded that the school/training facility is required to complete a background check in order to receive funding. Mr. Cassady informed the audience of a company by the name of Higher Watch, it is a national criminal database on individuals with unlimited access for a low monthly fee. There is also the New Mexico Judicial System, which is a free database in which back ground checks, can be run. It was also noted by Mr. Khalsa that with this proposed legislation national background checks would be run.

Ms. Herndon explained that the legislation provides for a grace period between July 1 to October 31, 2007 once it’s enacted. She further stated that the Board would have to decide soon as to the effective date over all for purposes of making it all effective. The Board may decide to make new statutes effective July 1, 2008, for example, to give everyone a year to come into compliance.

Ms. Herndon reported that the legislation has been put forth to the Governor’s Office for approval. The legislation as presented will show the effective date of the act as July 1, 2007 with a grace period for anyone applying for a card between July 1, 2007 and October 31, 2007 to remain within the provisions that are currently in place. Ms. Herndon also noted that Representative Peter Wirth had tentatively agreed to carry the bill.

VII. EXECUTIVE SESSION

Motion was made at 10:00 am by Mr. Jochem, seconded by Mr. Cassady 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 Don Jochem, Jim Wilson, Al Stotts, Butch Cassady and Gurutej Khalsa were present. Motion passed unanimously.

Motion was made at 10:45 am by Mr. Wilson, Seconded by Mr. Stotts to enter back into open meeting. Motion Passed Unanimously.

Mr. Stotts moved, Seconded by Mr. Wilson to approve the following motions from Executive Session with Mr. Khalsa abstaining:

A. Application for Licensure – Board Action

- #06-01** Motion made by Mr. Khalsa, seconded by Mr. Cassady to Deny licensure due to felony conviction. Motion Passed Unanimously.
- #06-02** Motion made by Mr. Wilson, seconded by Mr. Stotts to Deny licensure due to felony conviction. Motion Passed Unanimously.
- #06-03** Motion made by Mr. Wilson, seconded by Mr. Stotts to Deny licensure due to felony conviction. Motion Passed Unanimously.
- #06-04** Motion made by Mr. Khalsa, seconded by Mr. Cassady to Deny licensure due to felony conviction. Motion Passed Unanimously.

B. Issuance of a Notice of Contemplated Act

Case #: 2006-04

Motion made by Mr. Khalsa to revoke both licenses held by licensee (Private Investigator license number 1900 and Private Patrol Operator license number 1901) via NCA. Licensee has twenty days from receipt of NCA to respond. Mr. Wilson seconded, motion passed unanimously.

C. Refer to RLD Counsel for Prosecution

Case #'s: 2005-09 and 2006-06

Motion made by Mr. Wilson to refer case numbers 2005-09 and 2006-06 to RLD Counsel for prosecution. Mr. Cassady seconded, motion passed unanimously.

Mr. Stotts mentioned that when he and Mr. Wilson met with Superintendent Lopez he had expressed his willingness to use the media to report on the unlicensed activity and disciplinary issues the Board deals with. Mr. Stotts suggested that maybe a good time to contact the media would be when and if the new legislation passes to convene a media blitz on everything from the new legislation to disciplinary matter.

ADJOURN – Chair Jochem adjourned the meeting at 11:00 am.

Submitted By:

Mary James, Board Administrator

Date

Approved on Behalf of the Board By:

Don Jochem, Chairman

Date