



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Private Investigations Advisory Board

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REGULAR BOARD MEETING - MAY 20, 2008

Regulation and Licensing Department, 2550 Cerrillos Road, 2nd Floor, Hearing Room 2
Santa Fe, New Mexico

MEMBERS PRESENT:

Donald Jochem, Board Chair
Jim Wilson
Gurutej Khalsa
Al Stotts

MEMBERS ABSENT:

None

STAFF PRESENT:

Steve Herrera, Board Administrator
Stephen Oliver, Team Leader, Boards & Commissions
Mary James, Team Leader, Boards & Commissions
Julie Meade, General Counsel
Linda Trujillo, Deputy Director

OTHERS PRESENT:

See Sign-In-Sheet

I. Call To Order:

Chair Jochem called the meeting to order at 11:07 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 – April 16, 2008 (Regular Board Meeting).

Mr. Wilson moved for approval of the April 16, 2008 Regular Board Meeting minutes. Mr. Stotts seconded, motion passed unanimously.

IV. Date and Place of Future Meeting:

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Tentative meeting date: Tuesday, July 1, 2008, 9:30 am in Santa Fe, New Mexico.

V. New Business –None

VI. Old Business: Rules Committees - Progress

A. Rules Progress

Chair Jochem opened up the meeting for discussion on the new rules.

Mary James asserted that Superintendent O'Donnell was going to lead the discussion, however, was detained in a meeting and would not be able to attend. Mr. Nicholas Panagoulakos raised the question if any formal set of training curriculums have been received from the NMLEA or any other training organizations for security guards level 1 through 3. Mr. Steve Herrera then stated that none had been received from any of those organizations. Mr. Panagoulakos mentioned that it was his understanding that RLD has been receiving training curriculums from security guard companies and brought up the question as to why RLD was not retaining these records. Mr. Herrera explained that yes, RLD is in fact retaining copies of approval letters for said curriculums and is also maintaining a log to coincide with the approval letters, Mr. Herrera then goes on to state that no formal or official correspondence has been received from NMLEA. Mr. Panagoulakos then asked again if RLD was keeping copies of the training syllabuses and Mr. Herrera reiterated the fact the training syllabuses were not being kept by the department and in fact were being sent back to the security guard companies. Mr. Herrera then went on to state that only the approval letters and log were being kept and maintained and were available to the public. Mr. Khalsa then states the fact it is not the role of RLD to get involved with any security guard company's monetary issues or who they contract with. Mr. Panagoulakos then stated that his main concern was that these records were viewable to the public and that verification of licensure was obtainable. Mr. Stotts then asked Mr. Panagoulakos if RLD was keeping the proper documentation log, if that would suffice. Mr. Panagoulakos then replied with a yes and thanked the board.

Mrs. Linda Trujillo then requested feedback from the board in regard to continuing education and cited some examples from Oklahoma and asserted that the statute gave the board authority to request continuing education. Mr. Panagoulakos then mentioned the fact that the NMLEA should be responsible for the extended training. Mr. Jochem asked why it should be exclusive to NMLEA at which Mr. Panagoulakos stated to get the officers a sense of professionalism and to help them obtain on the job skills. Mr. Wilson asked Mr. Panagoulakos if

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he had spoken to the NMLEA and Mr. Panagoulakos stated that his wife had spoken to someone at the NMLEA. Mr. Wilson mentioned the fact that he didn't think the NMLEA would be too anxious to do that. Mr. Panagoulakos then stated that he would have his wife call the NMLEA again. Mr. Wilson then stated that the NMLEA was inundated with police officers and would not be eager to assist with the security guard industry. Chair Jochem reiterated that he would also confer with the NMLEA and see if their training was feasible. Chair Jochem recommended that maybe the continuing education language be put back in the rule, in order to enable the board with the discretion of verifying qualifications of each individual on a case-by-case basis. Ms. Meade stated that she would need to see the language of both the old and current statutes in order to give him an answer. Mr. Khalsa felt it was a good idea, as did Mr. Stotts. Mr. Panagoulakos asked about staggered employment. After reviewing the aforementioned statute Ms. Meade did not feel confident with the idea and was not sure about how much discretion was allowable. Ms. Meade stated that three consecutive years was not mentioned and that it was three out of the last five years, and that by waiver they may be able to amend the language.

Mr. Wilson brought up a document that described qualifying experience, and mentioned there was an insurance adjuster clause that might help. Mr. Wilson went on to state that this document was in place when the NMLEA was in charge of the board.

Chair Jochem was concerned that some of the requested changes in regard to the new rules were not included and they were discussed with Director Vallejos, Mr. Herrera asserted that we were still in the process of fine tuning them and soliciting feedback, Ms. Meade then interjected by stating that no changes would be official until the final public hearing.

Mr. Panagoulakos then brought up what he thought was his understanding of PPO's and whether they have authority to be located out of state and are allowed to work here in New Mexico. Mr. Khalsa stated to him that under the new rule (when it becomes final) would allow reciprocity that may enable them to come in under certain circumstances to work in New Mexico, mainly special events and for a certain amount of time.

B. William D. Hart, Request for Consideration to Reinstate P.I. License

Mr. Hart approached the board requesting a reinstatement of his PI license. Suggesting that various personal problems kept him from renewing his license as well as attempting to explore other financial avenues interfered with the timely renewal. Mr. Hart went on to explain that he has 20 plus years with the NYPD. He mentions that he has plenty of experience, however, does not have the 3 out of the last 5 years. Chair Jochem asked Mr. Hart if he was currently employed and/or had done any field work to which Mr. Hart answered in the negative. Mr. Wilson then asked if there was any staff feedback. Ms. James replied that Mr.

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Hart's license was always in good standing with the board. Mr. Stotts then interjected that the current statute does not have a waiver part to it. Mr. Khalsa then requested a legal opinion and Ms. Meade stated that the legal opinion is that the statute states 3 to 5 years and asked the board to discuss this in executive session. Mr. Hart then stated that he has no problem doing what the board asks of him. Mr. Wilson stated that it was too bad that there is no way to accommodate people in this situation and Chair Jochem agreed and asked Mr. Hart if there is anyone he could work with in order to accrue experience. Mr. Hart advised the board that he was seeking an employment opportunity that would require a PI License.

- C. Mr. Peso Chavez of Chavez Security Company approached the board with concerns regarding the new rules stating that the board has not followed up on education requirements. He went on to allege that the NMPIAB issued licenses in which the licensee did not take the appropriate exam. Mr. Chavez also stated that there was a discrepancy with the application that enabled the security guards to be freelance workers. Mr. Khalsa reiterated that the security guard cannot act as a PPO and are required to be employed with a licensed PPO before applying for a security guard card.

Mr. Chavez asked the board to reconsider their decision to allow the guard to hold their own card. Mr. Chavez asked the board to consider going back to the previous rule, which made the PPO owner of the guard's card since the company pays for the card and their training. The Board thanked Mr. Peso for his comments and assured him that they would be brought up at the next rule hearing.

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

Motion was made at 11:40 am by Chair Jochem seconded by Mr. Wilson 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 12:21 pm by Chair Jochem, seconded by Mr. Wilson to enter back into open meeting. Motion passed unanimously.

Open Session: Decisions/Actions on Executive Session agenda.

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Chair Jochem made the following **Motions**:

A. Request for Dismissal

1. PI-2007-06
2. PI-2008-01
3. PI-2008-02
4. PI-2008-12
5. PI-2008-13

B. Request for Pre-NCA

1. PI-2006-03
2. PI-2007-09
3. PI-2007-10
4. PI-2008-04
5. PI-2008-05
6. PI-2008-10 & PI-2008-6
7. PI-2008-07
8. PI-2008-08
9. PI-2008-09

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

ADJOURN – Chair Jochem adjourned the meeting at 12:40 pm.

Submitted By:

Steve Herrera, Board Administrator

Date

Approved on Behalf of the Board By:

Don Jochem, Chairman

Date

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