



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Private Investigations Advisory Board

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REGULAR BOARD MEETING - July 1, 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
Mark Smith

MEMBERS ABSENT:

None

STAFF PRESENT:

Kelly O'Donnell RLD Superintendent
Steve Herrera, Board Administrator
Stephen Oliver, Team Leader, Boards & Commissions
Michelle Medina, Administrative Assistant, Boards & Commissions
Julie Meade, General Counsel
Al Hutchinson, Legal Intern

OTHERS PRESENT:

See Sign-In-Sheet

I. Call To Order:

Chair Jochem called the meeting to order at 10:19 am, roll call was taken and a quorum was established.

II. Approval of Agenda:

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

III. Approval of Minutes – May 20, 2008 (Regular Board Meeting).

Mr. Khalsa moved for approval of the May 20, 2008 Regular Board Meeting minutes.
Mr. Stotts seconded, motion passed unanimously.

IV. Date and Place of Future Meeting: August 18, 2008

Tentative meeting date: Monday August 18, 2008, 10:00 am in Santa Fe, New Mexico.

V. New Business – Chair Jochem opened up the meeting for discussion on the new business.

VI. Darrell Kindig of Asset Security and Protection

Mr. Kindig briefly explained his credentials and asked that the board review his training template in order to better the requirements and any rule changes. Mr. Kindig explains his view of the court system and basic report writing as required for a basic security guard. Mr. Kindig proposed an 8-12 hour course for level one security guard instead of a 24 hour course. He goes on to mention the fact that this template

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could be web based and verified and setup through the board office and could also be monitored by board staff. Mr. Kindig compared the process for obtaining a drivers license and its endorsement to that of the security guard industry. Outlining the endorsements for motor vehicle division mainly cdl, and motorcycle as approved by the state to be similar to the state issued guard cards. He goes on to assert the importance of use of force training for every security guard in the state and suggest it be a pre-requisite for and any and all security guards wishing to gain licensure in New Mexico. The levels of reaction are brought into Mr. Kindig's explanation regarding certain weapons of impact. Stating that the security guards need to know when to react to a situation or not react according to the levels of reaction which could in turn cause liability for the state. Mr. Kindig went on to state that the PI Board is in dire need of compliance and that there is no way of regulating the unlicensed activities currently hurting the industry. Mr. Kindig felt that a statutory change be made through the NM Legislature and that unlicensed activity be made a misdemeanor.

Mr. Kindig then went on to thank the board for their time at which Chair Jochem asked if anyone had questions for Mr. Kindig. Mr. Stotts asked Mr. Kindig if he thought that there wasn't any need for instructor led training. To which Mr. Kindig replied that the training must be certified and went on to give his NMLEA certifications as a trainer for legal purposes. He then asserted that maybe a few certified instructors could possibly make an outline for the board that could be used for every security guard. Mr. Stotts stated that he might have misunderstood Mr. Kindigs initial request for web-based training. Mr. Kindig replied by stating that the web-based training would be certified and would be composed by certified trainers. Superintendent O'Donnell re-iterated that inexpensive training be for security guards and questioned Mr. Kindig on how level 2 and level 3 should be obtained. Mr. Kindig responded that levels 2 and 3 should be done away with and that training should be done identically instead of various entities offering these services.

Mr. Khalsa stated the boards concern with unlicensed operators and that the board is trying to get a hold of the situation. Mr. Kindig suggested that five Private Investigators licensed with the board help with the matter.

Superintendent O'Donnell asked Mr. Kindig if he was aware of anyone who teaches use of force. Mr. Kindig suggested obtaining former law enforcement officers to help with the training and accruing their knowledge and expertise. Mr. Kindig then stated that the various endorsements would follow after the initial use of force training occurred.

Superintendent O'Donnell asked how often would a use of force course be taught and Mr. Kindig replied that the state is mandated one use of force module that is the standard and would need to be taught. And that one person only comprises the course. Mr. Khalsa asked if he's proposing that RLD identify this company and make them the standard as a prerequisite. He then mentioned the state police cards and how official they look and would be for the industry.

Dr. George Walker asserted that use of force was a great idea given the correct structure and capacity and that it needed to be identified as use of force for security guards and not police officers.

Mr. Pete Eudy of Brinks then stated that NACA would be a great agency to lean on in helping the board with the new endorsements. He volunteered his help personally with the new laws as they apply to armored car companies.

VII. Mr. A.G. Leeper of Law Enforcement Training Institute.

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Mr. Sonny Leeper briefly stated his credentials and went on to elaborate on his training and that his company offers nationwide training to police officers and military. He stressed the importance of certified training and either by the NMLEA or by certified trainers. He went on to stress the importance of hands on training as opposed to web-based training. Mr. Leeper felt that the training is crucial and that web-based training could be compromised or a potential opportunity for cheating. He mentions the fact that the endorsements is a great idea and that the technology is there for it. He offers his services all over the state with the proper notification.

Mr. Leeper's company maintains a strict database regarding the pass/fail records of his clients and felt that applicants should only be given a certain number of times to pass the exam. He goes on to elaborate on the force continuum. The levels for each endorsement especially regarding the firearms is crucial.

Mr. Leeper assures the board that his company can offer quality assurance and make sure that only well-trained people are employed as security guards. His quality assurance for people with firearms is no more than one person per 4-5 applicants. Mr. Leeper assures that his company can offer a quality product.

Mr. Leeper then reiterates that certified training is a must and that the state is setting itself up for liability if the instructors aren't certified. He maintains that a log must be kept for all the certified and qualified trainers.

Mr. Leeper, in closing, states that he was present for the purposes of training. Chair Jochem asked the question of how much per person was his company going to charge for security guards. Mr. Leeper responded that each level was unique and would base the price on the levels. Superintendent O'Donnell asked if Mr. Leeper could give the board a sense of how much the training would cost. Mr. Leeper replied by stating that it differs but that his company charges anywhere from \$500-\$1,000 a day for a person to go through their training. He then stated that his company would have to setup 6 or 7 locations around the state. Mr. Leeper then mentioned that for a level one security guard his company could most likely offer a course for \$700.00 for a three-day training contingent upon the level one rules. Superintendent O'Donnell asked Mr. Leeper if he was aware of any financial aide providers. Mr. Leeper wasn't aware of any and stated that for a few different companies there have been different providers but that they differ on a training-to-training basis. He then mentions that the majority of the work is done with the Government.

Superintendent O'Donnell then mentions that the security guards, based on their income, would need financial aide for such an extensive training program. Mr. Leeper understood and mentioned that his company was available for trainers or guards as well. Chair Jochem mentioned he would contact the workforce solutions program that could help in this particular case. Mr. Leeper thought that that would be a great idea and may work for the board.

Mr. Kindig reiterated the fact that the turnover for security guards is great and that spending \$700 would not be feasible. He goes on to state that his company has researched the workforce and UNM and stated that it's not in the best interest to most security guards. Mr. Leeper then interjected stating former police officers that are certified could offer these services as well.

Dr. George Walker stated that contractual differences could pose a problem as well regarding the insurance and benefits for its employees. Mr. Khalsa interjected by stating that excessive training is needed for the person making \$18.00 an hour on a federal contract.

Mr. Kindig then started the importance of a compliance or investigative position for the board at which Mr. Khalsa stated that it is important for the industry to be behind the board in that decision. Mr. Kindig

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asserted that he would lobby for the board. Mr. Stotts gave his support for the unlicensed activity to be a misdemeanor. Mr. Shawn Ducat asserted that the fact that the security blog is important to alert and notify the public and potential clients of unlicensed companies and that the companies that are hiring unlicensed security guard companies don't care because they can pay them less whether they have workers compensation or not. Ms. Meade then stated that Public Service Announcements are being looked at for the unlicensed activity problem. Mr. Kindig asserted that a letter from the board be sent to the company employing unlicensed companies and notifying them that they are doing themselves an injustice by allowing unlicensed companies to operate. Mr. Kindig also stated that the current statutes provide for fining of these companies. Ms. Meade corrected Mr. Kindig and stated the board can only fine the unlicensed companies. Chair Jochem asked if these companies could be alerted of the wrongdoing and Ms. Meade stated that yes the board can alert them but that it could not fine them. Mr. Khalsa then stated that the penalties need to be made harsher for unlicensed companies and that \$1,000.00 should be for every day that they operate. Superintendent O'Donnell asked about levying a fine for the contractors of the unlicensed companies through legislation at which Ms. Meade stated that the board could petition the legislature for such request. Mr. Stotts asserted that a lot of support would be needed. Mr. Kindig agreed and stated that overuse of the Internet to slam rival companies, which the public sees and gets distaste for the industry. Mr. Kindig then reiterated that the board needs to send out letters advising the contractors of the unlicensed companies to be aware that they are dealing with illegal companies. He goes on to state that some people are unlicensed and feel superior when they can merely obtain a license once alerted to the fact that they were operating illegally but are now licensed. Mr. Stotts felt that people in this situation should not be given licenses. Superintendent O'Donnell stated that the goal of RLD is to bring these companies into compliance. Mr. Khalsa felt that a penalty was needed for these companies whether it is a monetary fine or that they could not operate for a year or even for the amount of time that they were operating unlicensed. Chair Jochem mentioned that proper qualifications were also needed and that they would not be accepted if it were for unlicensed activity.

Mr. Kindig then brought up the subject of proper markings for security guard companies and uniforms. Mr. Khalsa said that this subject could be revisited in the rules and that personal vehicles need to be addressed in the rules as well.

Mr. Stotts felt the board should visit the subject of public education as well as having a front end approach to business owners and unlicensed activity.

Dr. George Walker reiterated the crucial importance of a compliance arm for the board as well as PSA's and official letters.

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

Motion was made at 12:40 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

Motion was made at 1:47 pm by Mr. Wilson, seconded by Mr. Stotts to enter back into open meeting. Motion passed unanimously.

Open Session: Decisions/Actions on Executive Session agenda.

Chair Jochem made the following **Motions**:

A. Request for Dismissal

