



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Private Investigations Advisory Board

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MINUTES - REGULAR BOARD MEETING - MARCH 18, 2009

Regulation and Licensing Department, 2550 Cerrillos Road, 2nd Floor, Hearing Room 1
Santa Fe, New Mexico

MEMBERS PRESENT:

Donald Jochem, Board Chair

Gurutej Khalsa

Al Stotts

DRAFT

MEMBERS ABSENT:

Mark Smith

Jim Wilson

STAFF PRESENT:

Steve Herrera, Board Administrator

Stephen Oliver, Staff Manager

Michelle Medina, Administrative Assistant

Linda Trujillo, Acting Director & General Counsel

OTHERS PRESENT:

See Sign-In-Sheet

I. Call To Order:

Chair Jochem called the meeting to order at 10:39 am, roll call was taken and a quorum was established.

II. Approval of Agenda:

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

III. Approval of Minutes – February 24, 2009 (Special Board Meeting).

Mr. Khalsa moved for approval of the February 24, 2009 Regular Board Meeting minutes. Mr. Stotts seconded, motion passed unanimously.

IV. Date and Place of Future Meeting:

May 5, 2009, 10:00 am in Albuquerque at the RLD Office in the main conference room.

V. New Business – Chief Counsel explanation of 16.48.2.17,18,19 pertaining to Educational Institutions – Linda Trujillo

Mrs. Linda Trujillo, General Counsel for the Regulation and Licensing Department clarified for the board as well as the people in attendance, the meaning of an educational institution, as it pertains the rules of the department. Mrs. Trujillo explained the portions of the rule that specifically state the departments authority to approve “any other department approved educational institution” she

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elaborated on how there is no definition in the statute or rule of “educational institution” and that to insist that any educational institution must be approved by the NM Higher Education Department was not a correct interpretation of our rule or the rules of the NMHED. Mrs. Trujillo further asserted that the department has full authority to approve said educational institutions. Mr. Jochem asked if the department only had the authority to approve educational institutions affiliated with the board. Mrs. Trujillo stated that his assumption was correct and that if anyone wanted financial aide or accreditation then that educational institution would in fact have to be approved by the NMHED and the department only was approving these institutions for registration and licensing purposes. Mr. Stotts asked if it would be a good idea that the staff contacts the NMHED for further clarification at which point Mr. Herrera stated that with the level of concern one might think that the NMHED would have already contacted the department and that said contact had not been made. Mr. Raven Hicks of Personal Defense Systems stated that he approached the NMHED regarding his educational institution and that he was not required to do anything with them.

VI. Clarification on Section E of 16.48.2.17 “Training may consist of an in-person instructor and pre-recorded material.”

Chair Jochem asked Mrs. Trujillo what exactly was her interpretation of this requirement. Mrs. Trujillo stated that the Superintendent wished for the board and the department to establish some specific guidelines for the companies to utilize in lieu of an approved instructor or having to pay for an outside approved educational institution. Mrs. Trujillo further stated that Ms. Julie Meade had spoken with a person from DPS, who stated that their department could possibly assist us after the legislative session and that may be able to contract with us to get this done. Mr. Khalsa felt the need for a standardized training curriculum and that the instructors would be approved for the purposes of training based off said curriculum. Mr. Jochem reiterated the fact that the legal foundation would be set with a standardized curriculum. Mr. Walker asked if this would be the new curriculum for all companies. Mr. Khalsa stated that the material would be universally applied and that the idea would be ensure that the standardized training would be the core set of teaching material and that additions could be made with proper approval. Mr. Raven Hicks asked what qualifications would be required for instructors based on the levels. Chair Jochem stated that the approvals for now have been as they relate to the specific areas in which the instructor was qualified and based on their credentials.

VI. Old Business:

A. Jurisprudence Exam progress – Mr. Steve Herrera

Mr. Herrera asked the board for their progress on the Jurisprudence exam. Chair Jochem stated that he had not had enough time to do it and that he had some issues with content. Mr. Herrera stated that he would go ahead and compose the exams.

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Mr. Khalsa stated that he would in fact proceed with the PPO exam. Mr. Herrera went on to clarify that the reason for the jurisprudence exam was to encourage the licensees to familiarize themselves with the rules.

B. HB #380 Update – Mrs. Linda Trujillo

Mr. Herrera provided the board members with an update as it was viewed on the legislative website. Mrs. Trujillo stated that there was a house floor amendment that the department was not aware of. Mrs. Trujillo stated that there no substantive changes. She went on to state that the penalty language changed and that instead of a 1st charge being petty misdemeanor the 1st and 2nd were now misdemeanor and that anything thereafter would be a fourth degree felony. However the bill went to the house floor where it was sent back to the House Business & Industry Committee where the bill was tabled. Mrs. Trujillo elaborated on how this bill was geared to protect the licensed companies, it also would give the department statutory authority to issue cease and desist letters as well as to file injunctive relief with the courts. The penalties would have been increased and the department would have more power to enforce the rules for unlicensed activity.

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

NO QUORUM FOR EXECUTIVE SESSION

ADJOURN – Chair Jochem adjourned the meeting at 11:43 am.

Submitted By:

Steve T. Herrera, Board Administrator

Date

Approved on Behalf of the Board By:

Don Jochem, Chairman

Date