



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Private Investigations Advisory Board

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MINUTES - REGULAR BOARD MEETING – AUGUST 27, 2009

2550 Cerrillos Road, 2nd Floor, Hearing Room 1, Santa Fe, New Mexico

MEMBERS PRESENT

Donald Jochem, Board Chair
Gurutej Khalsa (late arrival 10:22am)
Mark Smith
Jim Wilson
Al Stotts

MEMBERS ABSENT

STAFF PRESENT:

Steve Herrera, Board Administrator
Julie Ann Meade, Deputy Superintendent
Anita Villegas, Staff Manger

OTHERS PRESENT

See Sign-In-Sheet

I. Call To Order

Chair Jochem called the meeting to order at 10:09 am, roll call was taken and a quorum was established.

II. Approval of Agenda

Mr. Wilson moved for approval of the agenda Mr. Stotts seconded, motion passed unanimously.

III. Approval of Minutes – July 17, 2009 (Rule Hearing & Regular Board Meeting).

Mr. Wilson moved for approval of the July 17, 2009 Rule Hearing and Regular Board Meeting minutes. Mr. Stotts seconded, motion passed unanimously.

IV. Date and Place of Future Meeting: Established for October 6, 2009 Rule Hearing and Regular Board Meeting.

V. New Business – Proposed Training Curriculumms

Board Administrator Herrera gave the Board Members a copy of the newly submitted training curriculumms, for their recommendation. Mr. Smith voted to recommend approval and Mr. Wilson seconded. Motion passed unanimously.

VI. Psychological Evaluations

Mr. Herrera stated that the board was statutorily obligated to incorporate the psychological evaluations into the rules and regulations. Mr. Herrera mentioned that he and some other members of the department met with numerous psychologists for the purpose of determining the best possible solution and exam for this requirement. Mr. Herrera went on to state that after the intense scrutiny on behalf of the department it was determined that the MMPI-2Rf was the best exam. It was discovered that the MMPI-2RF covers 389 true and false written test questions and an interview which follows.

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Mr. Herrera also explained that the MMPI-2RF contained question that cover ones “respect for society’s rules” which was a key element in narrowing down the exams. Mr. Khalsa asked Mr. Herrera if this exam would be the best economical exam available at which Mr.Herrera stated that the MMPI-2RF was the exam that would be more cost effective.

Mr. Jochem asked if the exam would be a one time examination. Mr. Herrera stated that the Department would in fact require a psychological evaluation upon initial licensure and that another exam may be administered in the case of an extreme situation, i.e., law enforcement. Mr. Stotts asked the question, if one were to leave the field and come back would he/she be required to re-examine. Mr. Herrera stated that once the individual took a psychological exam, unless he/she had not been convicted of a felony then more than likely the initial exam would suffice.

Mr. Herrera asked Ms. Meade if this would be required for renewals as well in order to ensure that all of the licensees will have taken an exam. Ms. Meade stated that with the broad language given in the statute it was up to the board to formalize a recommendation for renewals. Mr. Wilson asked if there was any provision for grandfathering level three’s at which Ms. Meade stated no, because there was no statutory authority allowing the board to grandfather for this particular rule. Mr. Jochem clarified by saying that other areas in the rule, statutory authority is given however in this particular rule we do not have it. Mr. Jochem asked for public feedback. Mr. Michael Gonzales stated the he didn’t feel the psychological evaluation was in the best interest of the guards and didn’t understand the need for a psychological exam and asked if guards were shooting people or why was this going to be required now. Mr. Jochem mentioned a serious incident involving a guard within the past couple of months. Mr. Gonzales stated that he is from Las Cruces and that he knew nothing about said incident. Mr. Khalsa interjected stating that this provision came down through the legislature and that the board was required to change the rule and that it was part of the law. Mr. Gonzales asked the question as to why it was okay for a New Mexico citizen to carry a firearm under the concealed carry act and not be asked to take a psychological evaluation, and that if a level three security guard had a concealed carry permit could he carry on duty. Mr. Khalsa stated that a security guard was in a position that required public safety. Mr. Gonzales stated that this could hurt the industry because others are opting with in-house security and not going the licensing route. Mr. Khalsa reiterated that the board must act on this and that it is possible to get this rule changed but that people would have to speak with their legislators and take the matter before the legislature. An unidentified individual asked if there was a way to change which test the board decided on and help out any certain community in terms of cost effectiveness. Mr. Khalsa stated the importance of having a standardized concept and gave the example of firearms qualification.

Mr. Donnie Smith stated that he had heard that there was only a five year window in terms of effectiveness for the MMPI, and recommended that the tests be given only on initial licensure and where an isolated incident occurs. An unknown individual asked where this would be done and how it would be done. Mr. Herrera stated that the board office would work to identify potential statewide contractors for this service and have that information readily available to all applicants. Mr. Stotts asked about the psychology board and what role they would have. Mr. Herrera stated that they were being utilized for information and solicitation purposes. Ms. Meade interjected by stating that they could help with identifying psychologists to administer the exam.

An unknown individual asked about the cost for the MMPIA-2RF. Mr. Herrera answered by stating that from what the information received it was roughly between \$250-\$350 dollars. Mr. Smith asked if it covered everything in the exam at which Mr. Herrera answered in the affirmative. Mr. Jochem asked if we needed to bid and Mr. Herrera stated that unless it was a sole provider we could not do an RFP (request for proposal).

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Mr. Daniel Hibben of Ironstone Security stated that it might be a good idea for the board to come up with a preferred vendor list allowing the board to have control over cost.

VII. Old Business

None

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

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 11:39 am 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**:
Recommendations to dismiss:

Case # 2009-02
2009-04
2009-06
2009-12

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

ADJOURN – Chair Jochem adjourned the meeting at 11:41 pm.

Submitted By:

Steve T. Herrera, Board Administrator

Date

Approved on Behalf of the Board By:

Don Jochem, Chairman

Date