**Louisiana State Board of Private Investigator Examiners**

**Minutes of Board Meeting of January 22, 2013**

**I.    Roll Call:**

Vice Chairman Lance Wallace called the meeting to order at 9:13 a.m., Tuesday, January 22, 2013, at the office of the Louisiana State Board of Private Investigator Examiners, 2051 Silverside Drive, Suite 190, Baton Rouge, Louisiana. Those members present at the meeting were Ms. Maria Dugas, Ms. Annette Kovac, Mr. Bruce Chliders and Mr. Kenneth Landry. Also present was Executive Director Pag Englade and Legal Counsel Angelique Freel, and Complaint Counsel Joe Lotwick. A quorum was present to continue the meeting.

**II.    Approval of Minutes from the November 13, 2012 board meeting:**

Ms. Dugas moved to approve the minutes of the November 13, 2012, board meeting. Seconded by Ms. Kovac. All in favor. Motion carried.

**III. Public Comment:**

None.

**IV. Executive Session from 9:15 a.m. to 10:17 a.m.:**

Ms. Dugas moved to go into executive session pursuant to Louisiana Revised Statute 42:17(A)(2) to discuss matters in litigation. Seconded by Ms. Kovac. Roll call vote: Dugas, yes, Kovac, yes, Wallace, yes, Landry, yes.

Ms. Dugas moved to go back into regular session. Seconded by Ms. Kovac. Roll call vote: Dugas, yes, Kovac, yes, Wallace, yes, Childers, yes, Landry, yes.

**IV. Approval of Applications:**

**A. Agency Applicants:**

Mr. Childers made a motion to approve the agency application of Mr. Travis Bordelon. Mr. Bordelon was present. Seconded by Ms. Kovac. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

**Page 2 of 8**

**Minutes of the January 22, 2013 meeting**

Ms. Kovac made a motion to approve the agency application of Mr. Stuart Brozgold. Mr. Brozgold was present. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Ms. Kovac made a motion to approve the agency application of Mr. Dennis "Keith " Constantino. Mr. Constantino was present. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Ms. Dugas made a motion to approve the agency application of Mr. Clint Dauzat. Mr. Dauzat was present. Seconded by Ms. Kovac. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Ms. Kovac made a motion to approve the agency application of Mr. Robert Fant. Mr. Fant was present. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Ms. Kovac made a motion to approve the agency application of Mr. Greg Frausto. Mr. Frausto was present. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Ms. Kovac made a motion to approve the agency application of Mr. Robert Guesnon, Jr. Mr. Guesnon was present. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Mr. Wallace made a motion to deny the agency application of Mr. Glenn Istre, II. Mr. Istre, II was present. Seconded by Mr. Childers. Roll call vote: Dugas, no, Kovac, yes, Childers, yes.

Ms. Kovac made a motion to approve the agency application of Mr. Michael Nolan. Mr. Nolan was present. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

**Page 3 of 8**

**Minutes of the January 22, 2013 meeting**

**B. Individual, Apprentice and Journeymen Applicants:**

Ms. Kovac made a motion to approve the list of individual applicants starting with Tori Defreitas and ending with Jordan Hamlett. Seconded by Ms. Dugas. Roll call vote: Dugas, yes, Kovac, yes, Childers, yes, Landry, yes.

Ms. Kovac made a motion to approve the list of apprentice applicants starting with Christopher Gideon, Jr. and ending with Jaylon Lyons. Seconded by Ms. Dugas. All in favor. Motion carried.

Ms. Kovac made a motion to approve the list of journeymen applicants starting with Thomas Young and ending with Kaci-Lynn Hinton. Seconded by Ms. Dugas. All in favor. Motion carried.

**IV. Financial Report**

Ms. Kovac made a motion to approve the financial report presented by Mr. Landry. Seconded by Mr. Childers. All in favor. Motion carried.

**V. Investigatory Officer Report:**

Ms. Kovac made a motion to approve the investigatory report presented by Mr. Childers. Seconded by Ms. Dugas. All in favor. Motion carried.

**VI. Training:**

None.

**Amend Agenda:**

Ms. Dugas made a motion to amend the agenda to add the topic of continuing education. Seconded by Ms. Kovac. All in favor. Motion carried.

**Page 4 of 8**

**Minutes of the January 22, 2013 meeting**

**VII. Old Business:**

None.

**Amend Agenda:**

Ms. Kovac made a motion to recognize John Mowell’s resignation from the board. Seconded by Ms. Dugas.

**VIII. New Business:**

**A. Nominations for Chairman and Vice Chairman:**

Ms. Dugas made a motion to nominate Mr. Wallace for chairman. Seconded by Childers. All in favor. Motion carried.

Ms. Dugas made a motion to nominate Ms. Kovac for vice chairman. Mr. Childers made a motion to nominate Mr. Landry for vice chairman. Roll call vote: Dugas, Ms. Kovac; Kovac, Ms. Kovac; Childers, Mr. Landry; Landry, Ms. Kovac.

**B. Nomination of Officers:**

Mr. Wallace appointed Mr. Bruce Childress as investigatory officer.

Mr. Wallace appointed Mr. Kenneth Landry as financial officer.

Mr. Wallace appointed Mr. Calvin Fayard as general committee chairman.

Mr. Wallace appointed Mr. Kenneth Landry as education and training chairman.

Mr. Wallace appointed Mr. Calvin Fayard as hearing officer and personnel chairman.

**C. Complaints against Board Members :**

There was a discussion to send complaints made against Board Members to the Board’s complaint counsel to let him investigate and then he will call upon the investigatory officer to assist in the resolution of issue.

**Page 5 of 8**

**Minutes of the January 22, 2013 meeting**

**IX. Application Appeal Hearing - Courtney Baker:**

Ms. Kovac made a motion to approve Courtney Baker for an agency license. No second.

Ms. Kovac made a motion to approve Courtney Baker for an agency license. Seconded by Mr. Wallace. Roll call vote: Dugas, no, Kovac, yes, Wallace, yes, Childers, no.

**Recess:**

Mr. Wallace called for a 10-minute recess.

Ms. Freel reads the following Opinion and Order into the record:

“**OPINION AND ORDER**

This matter came before the Louisiana State Board of Private Investigator Examiners (“the Board”) for hearing on the issue of the denial of a Private Investigation Agency License for Courtney Baker on behalf of Reliant ICS, Inc., on November 13, 2012, pursuant to written notice, at which time a quorum of the Board was present:

Appearances:

Jacob B. Fusilier, counsel for Petitioner/Applicant, Courtney Baker;

Joe Lotwick, prosecutorial counsel for the Board;

Angelique Duhon Freel, general counsel for the Board;

Petitioner/Applicant presented evidence on the issue of fact; argument on the applicable law and policy; called, examined, and cross-examined witnesses; and was given an opportunity to offer and introduce documentary evidence and any other exhibit needed for a full and true disclosure of the facts.

**Page 6 of 8**

**Minutes of January 22, 2013 meeting**

**A. JURISDICTION**

Jurisdiction for the hearing is vested pursuant to La. R.S. 37:3505 and La. R.S. 37:3510(A)(3)(b).

**B. BACKGROUND AND MATTERS AT ISSUE**

Petitioner/Applicant, Courtney Baker, applied for a Private Investigation Agency License on behalf of Reliant ICS, Inc. The application was received by the Board on March 22, 2012. At the May 15, 2012 Board meeting, the Application was denied by the Board on the grounds that Petitioner/Applicant failed to meet the qualifications for licensure. See La. R.S. 37:3508(D)(4). Specifically, the Board denied the Agency License because the Petitioner/Applicant did not have “at least three years experience within the last ten years either working as a private investigator or in an investigative capacity....” as required by La. R. S. 37:3507.2(A)(1)(a).

In accordance with La. R. S. 37:3710, the Petitioner/Applicant was notified by the Board in writing that the Agency License was denied, and the grounds for the denial were set forth in the notice. The Petitioner/Applicant timely requested a hearing on the denial. The hearing was noticed for November 13, 2012.

**C. APPLICABLE STATUTES AND RULES AND REGULATIONS**

The laws governing Private Investigators can be found at La. R. S. 37:3500 through La. R.S. 37:3525, and LAC 46:VII.101 through LAC46:LVII.927. Specific consideration was given by the Board to the following statutes, rules and regulations:

**La. R.S. 37:3507.2 Types of licenses**

A. The board is authorized to issue the following types of licenses to qualified applicants:

(1)(a) A “private investigation agency license” to be issued to any person or entity, as defined in R.S. 37:3503(6), when the individual seeking license or the partner or partnership seeking license or the principal corporate officer of the corporation seeking license has at least three years experience within the last ten years either working as a private investigator or in an investigative capacity, and satisfies all other requirements for licensing.. . . .

**Page 7 of 8**

**Minutes of the January 22, 2013 meeting**

**La. R.S. 37:3508 Investigations; time; procedure**

. . . .

D. The board shall deny the application for a license if it finds that the applicant, or the qualifying agent, or any of the applicant’s owners, partners, or principal corporate officers have committed any of the following:

(1) Violated any of the provisions of this Chapter or the rules and regulations promulgated by the board.

(2) Practiced fraud; deceit; or misrepresentation.

(3) Knowingly made a material misrepresentation in the application for a license.

(4) Failed to meet the qualifications of this Chapter.

(5) Been convicted of a felony.

E. The board may refuse to issue a license for good cause as shown.

**D. FINDINGS OF FACT**

Petitioner/Applicant has never held a private investigator license.

Petitioner/Applicant’s three years of purported experience was gained through employment with her father’s firm, Employer’s Resources. The principal product of the company is providing background reports for employers. The information going into reports is public information gathered over the internet or at the courthouse.

**E. CONCLUSION OF LAW**

Public information gathered over the internet or at a courthouse does not constitute the requisite investigative experience required by La. R.S. 37:3507.2(A)(1)(a) for the issuance of a Private Investigation Agency License.

**F. DECISION**

The purpose of the Louisiana State Board of Private Investigator Examiners is to regulate the private investigator business in the State of Louisiana. It is the duty of the Board to protect the public.

**Page 8 of 8**

**Minutes of the January 22, 2013 meeting**

The Application for a Private Investigation Agency License for Reliant ICS, Inc., filed by Courtney Baker is denied.

**G. APPEAL RIGHTS**

The Board’s decision shall become final unless the Respondent files a written motion for rehearing, reopening or reconsideration by the Board within ten days from service of this decision in conformity with LAC 46:LVII.925, or files a petition for judicial review within thirty days of the issuance of this order, in conformity with La. R.S. 49:964 *et seq*.

Signed this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013, Baton Rouge, Louisiana.

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on behalf of and in the name of

The Louisiana State Board of Private Investigator Examiners”

Ms. Dugas made a motion to adopt the facts and opinion Ms. Freel read into the record. Seconded by Mr. Landry. Roll call vote: Dugas, yes, Kovac, no, Wallace, yes, Landry, yes. Motion carried.

Ms. Freel advised she would finalize the Opinion and Order.

**X. Adjournment:**

Ms. Dugas made a motion to adjourn the meeting at 11:50. Seconded by Ms. Kovac.