

**MINUTES**  
**March 23, 2023**  
**10:00 A.M.**  
**ND PISB Board Meeting-Zoom Video Conference**  
**NDPISB**

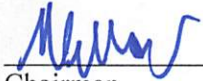
1. Chairman Mike Wetsch called the meeting to order at 10:00 a.m. Board members present: Mike Wetsch, Justin Blinsky, Steve Lundin, Randy Ziegler, and Ernie Thurman. Board members absent: Jason Nelson. Others present: Executive Director John J. Shorey III, Board Legal Counsel Chris Redmann, Sandra Player with Allied Universal Security, "Account Manager", and Mark Warren.
2. A motion was made by Justin to close the meeting for an executive session for attorney consultation (N.D.C.C. 44-04-19.1(2)) and closed or confidential records (44-04-19.2(1)) for agenda items #2-#6. Randy seconded. A roll call vote was taken, and it was unanimous to go into executive session. John told the public if they exited the meeting and immediately rejoin it would put them into a waiting room and once the Board comes out of executive session John can invite them into the meeting. The executive session began at 10:05 A.M. and was attended by: Steve Lundin, Justin Blinsky, Ernie Thurman, John Shorey, Randy Ziegler, Mike Wetsch and Chris Redmann. The executive session adjourned at 10:26 A.M. The public was invited back for the open session of the meeting.
3. Nelson Njenga Application. Steve made a motion to approve the application. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.
4. Pershawn Johnson Application. Justin made a motion to issue a notice of intent to deny the application as it has direct bearing on the applicant's ability to provide services. Randy seconded. John asked if the motion was sufficient or if it needed to be specific. Chris stated he thought the intent of the motion was the offense has direct bearing upon the qualifications, functions, and duties of the occupation, trade, or profession; so, he was fine with the motion as is. A roll call vote was taken, and it was unanimous to approve the motion.
5. Jonathan Corley Application. Steven made motion to issue notice of intent to deny based on a disqualifying drug offense, specifically a guilty conviction for possession of marijuana in October of 2019. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.
6. Evelyn Ortiz Pabon Application. Justin made a motion to approve the application. Randy seconded. A roll call vote was taken, and it was unanimous to approve the motion. John told Sandra the Board still needed to issue the registration card for Evelyn Ortiz Pabon before she could work alone, and he would try to issue the registration card today or Monday and he would notify her via email once it's issued. Sandra messaged John as she did not have audio.
7. Monday Agbonmoba Application. Justin made a motion to approve the application. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.
8. Steve made a motion for applications that the Board has reviewed prior and approved, and there is a new application and there is a failure to disclose, and if the applicant provides additional information, as long as there is no new criminal history, the Board grants John the authority to approve those applications at the Executive Director level. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.
9. Ernst & Young LLP, Clarity on Exemption for Recovery of Unclaimed Property Update. Mark Warren addressed the Board if his firm is exempt from Private Investigator license for unclaimed property. Mark believes his firm would not be required to obtain a private investigator license as his firm provides accounting functions and does not solely recover abandoned or escheated property pursuant to NDCC 43-30-02 part 7 and 8. Mark stated several other States have similar laws to ND and have honored their exemption as a CPA firm and not having to obtain a private investigator license. Chris stated he had reviewed the email provided by them and his opinion was it was not exempt activity; that this is investigative activity; and that a sperate LLC is dedicated to recovering unclaimed property, so he didn't think subsection 8 applies, and even if the main CPA firm was doing this, he didn't think it was incidental to the investigative profession of the accounting firm. Mark stated they ran into this issue with the State of Illinois as well as they were concerned that they had an affiliate who is not the CPA firm, and in that case they agreed to have language letting the clients and State know they would subcontract back to the CPA firm, to address those concerns. Chris stated even if that is the case, he didn't think it was incidental to the investigative profession. Steve asked Mark if someone contacted them about unclaimed property if they would onboard them as a client. Mark stated they only provide these services to businesses and/or governmental entities, and before they onboard a client there is specific CPA requirement that they must follow; and if they did, they would

consider engaging with them. Steve asked Mark what the hesitation was on getting a private investigator license from the beginning. Mark stated if there was an exemption, and they feel if can take advantage of the exemption and meet it, they would seek taking advantage of that exemption. John confirmed with Mark that EY Unclaimed Property Services LLC wasn't a CPA firm. Mark stated it was not and was an affiliate of the CPA firm. John asked Mark if they would be willing to share the agreement with the State of Illinois for the Board to review. Mark stated they would. The direction from the Board on this agenda item was to table it, pending additional information from State of Illinois.

10. Minutes. John stated he did not have any minutes due to the backlog.
11. Financial Report. John stated due to the backlog he needed to catch up on invoicing and taking care of incomplete application that the Board received to get the books updated. John stated the Board has about \$10,000 in checking and he estimates there is about \$4000 that needs to be deposited that are associated with applications that are incomplete or have issues. John stated he believed the Board was going to need to seek funding for Board operations. John stated he had discussions with Allyson Hicks with the Attorney General's Office that the Board needed to get the books up to date and the Emergency Commission would be the mechanism to seek funding. John stated the Board needed to get caught up before running out of money. John stated with Board authorization he wanted to focus on invoicing and the books. John thought he would only deal with incoming applications during one day of the week and work on the backlog the other days. John stated the documents issue put him back further even more and he was having a hard time keeping up. Mike agreed. John stated that without the books up to date it didn't seem appropriate to try and come up with a budget. Mike talked about automating the applications process in the future, since there will be a cost. John stated the Board's policy has been that you don't accept an incomplete application until it is complete and then you deposit the money. John stated working through the incomplete applications and the applicant's having to email back documents or send checks takes time. Steve talked about depositing the checks on the front end as a processing fee versus waiting for applications to be made complete. Steve also talked about the issues of waiting for a year to then try and deposit the checks. John stated for new applications that are incomplete in most cases he sends them back with a cover letter. John stated for renewal applications they have run into agencies submitting renewal applications for someone who is not even registered, they send a letter to the agency, and the agency says it's a mistake, and the Board's doesn't deposit the money for that application. John also talked about the issues involving renewal applications and the individual applying for things they don't have, and how that would work as far as refunds. Chris stated his thoughts were that the Board could deposit the money for applications up front. John stated he could research the issue further.
12. Letter from ND Office of the State Auditor. John stated the last time the Board underwent an audit was 2017-2018. John stated the Board had previously discussed doing annual financial reports in leu of full audits going forward from those years. John stated for 2019, 2020, 2021, and 2022 the Board either needs to do a full audit or an annual financial report. John stated in July of 2021 he began checking around for an audit for the years 2019-2020 because of the TigerSwan settlement that was \$175,000 that pushed the total gross receipts of \$241,905 for 2020. John stated previously the threshold for a full audit was \$200,000 annually. John stated he talked with Dan Cox back in July of 2021 who stated he thought the Board would need to undergo and audit for 2020 because the Board went over that threshold. John stated as the Board was shopping around Dan said he could put the Board on a waiting list since there were more people wanting them to do audits than there were auditors to do them. John stated he thought it was left at one of the previous meetings for him to reach out to the auditor's office if they would look at the threshold differently since it was due to a settlement, and he hadn't caught up to that. John stated at that time for a two-year period Dan thought it would be \$7,000-\$10,000 for an audit and he thought the other CPA firm he had checked with was going to be \$8,000-\$10,000. John said from reading this letter it lists \$300,000 as the threshold. John stated that it is something he needed to research more if that had changed or if they had the wrong figure. John stated from reading this letter, if the threshold was \$200,000 the Board would need an audit for 2020, but for 2019, 2021, and 2022 depending on what the Board wants to do, that they could maybe do annual financial reports in leu of an audit. John stated after confirming the threshold, if it is \$200,000, the Board would need to decide on who they would have to do the audit, and if the price will change if they only do it for one year. John stated the Board will need to build in funding to do an audit if one is needed. Steve stated if the threshold is \$300,000 the Board could do annual financial reports versus a full audit for the years 2019-2022. John stated if the threshold was indeed \$200,000 the Board would need an audit for at least 2020. John stated for the years 2021 and 2022 the backlog would need to be cleared to do annual financial reports for those

years. Steve stated John would need to go back to Dan Cox to confirm the threshold and see if it is now \$300,000, and the Board could do annual financial reports once the backlog is cleared versus full audits. Steve made a motion for John to complete the annual financial reports if the Board is under the threshold for needing an audit for 2019-2020. Justin commented it would be good practice for the future to do a periodic full audits versus just annual financial reports and build that into the budget, however he was fine with doing the annual financial reports if the Board was under the threshold. Mike asked Steve if he wanted to alter his motion and he stated he was good with it as is. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion.

13. Ratification of Licenses and Registrations issued and renewed. John stated he did not have anything for this due to the backlog.
14. Application Procedures and Policy Update. John stated he hasn't really had a chance to work on this, and the Board needed to update the applications forms as well but needed to get the policy in place first before the application forms could be updated. John stated the Board needed to build a framework on which application the Board wants to review and what applications it wants to delegate the authority to the Executive Director to approve. There was Board decision about that framework that included look back period, full disclosure of all arrests, marijuana charges, felony, and disqualifying offenses. John stated he and Chris have had about 2-3 meetings on this topic and it's problematic because there are so many variables involved. John stated he and Chris would continue to work on the framework and bring that to the Board at the next meeting.
15. ND BCI CHRI Audit Update. John stated he had not finished what was needed, due to the backlog, but that he needed to. Steve asked if they were supposed to be notifying John when they destroyed CHRI. John stated he was tracking CHRI sent to Board members as secondary dissemination. John stated ND BCI stated if it was for internal use he didn't need to track that as secondary dissemination. John stated that ND BCI asked how he knew the Board members were destroying the CHRI. John stated he needed to think about how to institute a policy on that.
16. Steve made a motion to adjourn the meeting. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion. The meeting was adjourned at 11:35 A.M.

  
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Chairman

2/26/20  
Date

  
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NDPI SB Executive Director

2/26/20  
Date