

MINUTES
May 19, 2020
9:00 A.M.
ND PISB Board Meeting-Zoom Video Conference
NDPISB

1. Chairman Mike Wetsch called the meeting to order at 9:02 a.m. Board members present: Mike Wetsch, Ernie Thurman, Randy Ziegler (joined meeting at 9:04 a.m.), Jason Nelson, Dale Maixner and Justin Blinsky. Board members absent: None. Others present: Executive Director John J. Shorey III, Board Legal Counsels Monte Rogneby & Justin Hagel, Steven Lundin with 10-Code, LLC, David Boelke and Jonathan Pumphrey with Harvest Security Solutions, LLC, Eric Neal, Matthew Beauchene, and others not identified.
2. Chairman Mike Wetsch introduced new Board member, effective July 1st, 2020, Steven Lundin with 10-Code, LLC. Steven Lundin introduced himself and provided his background to the Board.
3. Justin Hagel presented the draft administrative rules for licensed military spouses, fee changes, and the armed first responder in school training program. John advised more work needed to be done on the language for the armed first responder in school training program. John asked Randy if ND DPI expected the Board to come up with a continuing education program. Randy said he thought ND DPI covered that in their administrative rules, but he would need to double check. John said he thought they should not cover any type of recertification or continuing education, and that should be left up to the schools and ND DPI. Justin Hagel advised he would remove that language from the draft rules. Justin Blinsky made a motion to approve the draft administrative rules as presented for the licensed military spouses and fee changes. Randy Ziegler seconded. A roll call vote was taken, and it was unanimous to approve the motion. John advised he and Ernie would continue to work on the language for the armed first responder in school training program and would come back to the full Board at a special meeting with their proposed language. Justin Hagel left the meeting after this agenda item.
4. There was discussion on going into executive session. Chairman Mike Wetsch asked how that was going to work for members of the public since the meeting was via Zoom. John advised members of the public would need to leave the Zoom meeting and then to return to the meeting and they would be put in a waiting room. John said he would then invite them back into the meeting once the Board was out of executive session. A motion was made by Ernie to close the meeting for an executive session for attorney consultation concerning Jeffrey Johnson, Registered Investigator-Disorderly Conduct & Violate No Contact Order Stay of Adjudication Update, Harvest Security Solutions, LLC/HSS Investigations, Jonathan Pumphrey, and David Boelke Investigative Services Inquiry, Matthew Beauchene Potential Unlicensed Private Investigation Activity Update, TigerSwan Update and 701 Investigations- Jon Jacobson Update. Seconded by Justin. A roll call vote was taken, and it was unanimous to go into executive session. The executive session began at 9:38 a.m. The executive session adjourned at 10:24 a.m. The public was invited back for the open session of the meeting.
5. Monte addressed Matthew Beauchene and advised, as Mr. Beauchene knows from the correspondence he received from the Board, the Board has some concerns with the services he is providing and whether those services provided require him to have a North Dakota Private Investigator License. Monte advised the Board has not taken any action on this matter. Monte advised Mr. Beauchene if there was anything, he wanted the Board to know, now was the time to provide that information, and if he was willing, to answer any questions the Board may have of him. Mr. Beauchene cited NDCC 43-30-02 # 7 and advised he does not use any paid databases and that he uses PACER and court records. Mr. Beauchene

stated he did not know who made the complaint, and he believes he is following the law. Monte asked Mr. Beauchene if he was using any resources other than court records as part of his research. Mr. Beauchene advised Google, but that anyone can use that. Monte asked Mr. Beauchene, that just to be clear; he was not limiting his searches to just Government records. Mr. Beauchene indicated if the information is publicly available, he uses it in his research. Mr. Beauchene advised he does this part-time. Mr. Beauchene stressed to the Board he uses public records, court records, and any databases you can find publicly. John asked Mr. Beauchene if he received the Board's first email that was sent. Mr. Beauchene advised it may have gone to his spam, and had not seen it. Monte advised the Board would need to decide if what Mr. Beauchene described he was doing is licensable activity. Monte advised he did not believe the Board was ready at this time to make a decision. Monte advised Mr. Beauchene that the Board would be in contact with him.

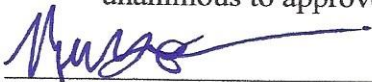
6. Monte advised the issues surrounding the Harvest Security Solutions, LLC/HSS Investigations, Jonathan Pumphrey, and David Boelke Private Investigative Services inquiry was the structure of how the services are being advertised and the structure of how these potential services are being performed with EH Investigations and Mr. Meisel's licenses. Monte advised the Board has not taken any action on this matter, they have received a complaint, and this is a meeting that the Board is first considering the matter. Monte advised Mr. Pumphrey and Mr. Boelke this was an opportunity for them to provide the Board with any information they think the Board should have, and/or, to answer any questions from the Board, if they were willing to. Monte advised Jason Nelson was not going to be involved in the decision with this matter. Jason confirmed this and advised it was since Mr. Boelke and he worked at Fargo PD for an extended period of time together. Mr. Pumphrey addressed the Board and advised any time services were performed he was operating under either Jon Jacobson or Jeremie Meisel's licenses. Mr. Pumphrey advised in the period between Jacobson's and Meisel's licenses they contracted out any private investigative services since they are a start-up. Mr. Pumphrey advised they have networked with other individuals to supplement services they want to be able to provide. Monte asked Mr. Pumphrey to walk him through the process if someone contacted them to provide private investigative services. Mr. Pumphrey said he was going to let Mr. Boelke respond. Mr. Boelke advised his contact number is on their website, that he would get a feel of what the client is looking for, he would email his partner to come up with an action plan, or see if they can or can't complete the assignment. Mr. Boelke said if they do accept the job, and he thought they only have had like five, he turns it over to Mr. Pumphrey. Mr. Boelke said he and Mr. Pumphrey sit down and think of strategy. Mr. Boelke said Mr. Pumphrey tells him what to invoice and he sends out the invoices. Monte asked how Mr. Meisel is involved. Mr. Pumphrey said once they filter out if it's an assignment they want to take, they would get Mr. Meisel's input since they are operating under his license. Mr. Pumphrey stated previously they would get Mr. Jacobson's input when they were operating under his license. Monte asked how the client was charged. Mr. Boelke said they use "Square" and send an email. Mr. Pumphrey said they have yet to have a private investigation case since he has been operating under Mr. Meisel's license in ND. Mr. Boelke advised when they received the letter from the Board he spelled out on their website that private investigations are done through EH Investigations. Mr. Boelke advised he also changed their Facebook page to make that clear. Mr. Boelke said that he also posted on Facebook regarding the allegation that WDAY referred to him as an investigator during an interview for a story on him delivering medications. Dale asked how the fees are split between everyone? Mr. Boelke said they are trading leads with each other and are working together as sub-contractors. Dale commented it looked like Mr. Boelke was working right now and asked Mr. Boelke if he was employed somewhere else. Mr. Boelke advised he is a Deputy Sheriff in Ransom County, ND. Mr. Pumphrey said there is a percentage worked out with Mr. Meisel verbally that he would get for the case but that they have not yet done a case because of COVID-19. Dale asked what kind of cases they have handled so far. Mr. Pumphrey advised they have had two cases that they did with Mr. Jacobson's and they did one in SD in January and it was a surveillance case.

Dale asked how many individuals are involved in all of this. Mr. Boelke said all their employees besides Mr. Pumphrey are doing security and courier work, mail deliver, and on-call delivery. Mr. Pumphrey said he is the only one doing the private investigation work. John Shorey asked Mr. Pumphrey if he was an employee or an independent contractor for these two agencies. Mr. Pumphrey said with Mr. Jacobson they did it as a sub-contractor agreement he believed. Mr. Pumphrey said that he has not been hired by Mr. Meisel so it has not been worked out how he would get paid. Mr. Boelke said if they were to have work, they would sign a sub-contractor agreement with EH Investigations. Mr. Boelke said he would think if a job happened that Mr. Pumphrey would be hired as an employee of EH Investigations. John Shorey asked if Mr. Pumphrey gets a job with Mr. Meisel then Mr. Meisel would take out taxes and issue a W2? Mr. Boelke and Mr. Pumphrey both said yes. John Shorey commented that if Mr. Pumphrey is going to be an employee of EH Investigations then the billing should be handled by EH Investigations. Mr. Boelke said that was correct. Mr. Boelke said the intention is to have Mr. Pumphrey's get his private investigator license and a private detective agency license so these issues would be moot. John commented with Mr. Boelke's law enforcement status Mr. Boelke needed to be careful on what he involves himself in on the business side as far as private investigations as he mentioned doing client intake. Monte advised as he saw it there were two issues before the Board, what had occurred up until those point and if there have been any violations of law. Monte advised the second issue is until they are licensed, and if they are going to work though Mr. Meisel/EH Investigations, that structure must follow ND law. Monte advised the structure where their agency is the billing agency is probably illegal. Monte suggested to them that if someone contacts them for private investigative services, they were going to need to refer them to EH Investigations and EH Investigations would have to be the contracting party. Monte made clear that he could not give Mr. Boelke and Mr. Pumphrey advice. Monte said the Board will have to consider where there at and what if anything the Board wants to do. Monte said if the Board decides they want to take action that John or he would be in contact with them. Monte stated he knew they made some open records requests and that this is an open investigation of the Board and falls within an exemption to the open records laws. Monte said that will continue until the Board and them reach an agreement or if this goes to an administration litigation, they would have the ability to do discovery, and the Board would have to decide if they have an obligation to provide what they're asking for.

7. Minutes were reviewed from the February 18, 2020 regular Board meeting, the April 17, 2020 special Board meeting, and the May 8, 2020 special Board Meeting. Justin Blinsky made a motion to approve all three minutes. Seconded by Dale. A roll call vote was taken, and it was unanimous to approve the motion.
8. Board Executive Director John Shorey gave the financial report. John advised the Board previously authorized one of the CD's to be cashed out and transferred into checking. John advised that had been completed and US Bank had assessed a penalty fee of \$634.58 since the CD had not matured. John stated he was waiting for the accountant to record that transaction in QuickBooks and then would be able to complete the reconciliation for last month. John advised as of April 30, 2020 the Board \$25,074.63 in checking with about \$20,000 in the remaining CD. John advised there were outstanding invoices to the Vogel Law Firm. Monte advised they would work with the Board on the outstanding invoices. The Board directed Treasurer Ernie Thurman and Executive Director John Shorey to explore funding options for the Board. Justin made a motion to approve the financial report. Jason seconded. A roll call vote was taken, and it was unanimous to approve the motion.
9. John summarized the information on the Phenix Investigations, Inc.-Potential Unlicensed Private Investigative Activity. The Board advised they would take no action at this time and to inform Phenix Investigations, Inc. of the same.

10. John summarized the Counter Measures Direct CMD Foundation Unlimited, LLC-Potential unlicensed private security activity information. The Board advised John no further action was to be taken at this time and it can address it down the road if more information becomes available.
11. John summarized the complaint made by Kirby Sandvik with A.S.P. of Moorhead, Inc. against Sentry Security, Inc. John also summarized the A.S.P. of Moorhead, Inc. d/b/a A.S.P. of West Fargo unregistered employee violation which was related to a transfer application and related to Mr. Sandvik's complaint. John advised Kirby Sandvik-A.S.P. of Moorhead, Inc. admitted to the unregistered employee violation in their written response. Justin made a motion to take no action on the complaint made by Mr. Sandvik against Sentry Security, Inc., but to send a letter of information to Sentry Security, Inc. that an individual can be registered with two agencies and it should be the agencies themselves returning the pocket cards and a letter of reprimand to Mr. Sandvik and A.S.P. of Moorhead, Inc. for the unregistered employee violation. Dale seconded. A roll call vote was taken, and it was unanimous to approve the motion.
12. John provided an update on the Carbonite. John advised Carbonite had been purchased as previously approved by the Board and installed on the Board's desktop computer. John said it will be installed on the Board's laptop computer.
13. John advised provisional registration were moved to electronic PDF's which are now sent via emails which speeds up of the process considerably. John advised this was implemented over the COVID-19 pandemic and there has been positive feedback from the industry. John advised he was able to develop the PDF in-house so there were no additional costs to the Board.
14. John provided an overview of the current website process with ND ITD. John advised typically the Board's Office would wait until there were several website changes to be made before they were submitted to ND ITD to make the required changes as the Board was charged by ND ITD to make the website changes. John advised ND ITD was going to be developing a new website for the Board that would allow him to make changes himself versus having to go through them to make changes. John advised this will be a cost savings to the Board. John said the Chairman already approved the switch and associated costs. John advised he has held off doing any website changes in the interim, to save the Board money, until the new website goes live.
15. John outlined the appeal process for denied applications. John advised the executive committee has dealt with a couple of appeals where the applicants had previously gone thru the appeal process and were approved, and then later applied for a transfer application and were denied due to failure to disclosure on the transfer applications. John stated he was bringing this to the attention of the full Board to see if they wanted to make any changes in the procedures for future situations as he had received some push back from one of the agencies. The Board advised they would not be making any changes to the appeal or denial process, and to handle these types of situations as before.
16. John asked the Board if they wanted to make any changes that require licensure applicants to travel to the Board's office to take the respective licensing exams. John advised there was a request from a current applicant for a variance to this so they would not have to travel to the Board's Office due to the COVID-19 pandemic. The Board advised since things were opening back up, there would be no changes to the current exam procedures at this time.

17. John provided an update with the Melanie Carr Registered Investigator Application Denial with Metro Private Investigation, Inc., and subsequent renewal application matter. John advised he informed the agency of the Board decision from the previous regular meeting via letter that was mailed out to them.
18. John provided an update with the Security Officer Nicholas Williams information. John advised the Board had not received any new information on this matter, and no one has filed a formal complaint. John stated he was going to close this matter out pending a formal complaint being filed. The Board agreed.
19. John provided an update with the late renewal with unlicensed activity violation of licensed private investigator Richard Berg. John advised the letter of reprimand had been completed and sent to Mr. Berg.
20. John advised there was no update for the volunteer security question issue.
21. John summarized the status of the Eagle Eye Security Systems-unlicensed security activity matter. John advised they have never received a written response from Eagle Eye Security Systems. John advised he had no information that they were continuing to operate unlicensed in North Dakota. John's suggestion was to close the matter pending additional information. The Board agreed to close the matter at this time, pending new information.
22. John provided an update with the Lincoln Brower stipulation. John advised that the letter that he was directed to compose and sent to Mr. Brower at the last meeting had been complete and sent to Mr. Brower.
23. John advised there was no update on the Nocturnal Resources matter. Monte mentioned this matter was tied to the volunteer security question issue.
24. John advised there was no update on the licensing exams and study guides.
25. John advised he would be developing a question for the Board's page 1 application regarding the licensing of military spouses. John stated once developed, he would seek approval from the Chairman before implementing the new page 1 application form.
26. Dale made a motion to approve the stipulation with Jon Jacobson and 701 Investigations as presented. In the stipulation, Jacobson agreed that the application for a registration for Jacobson to be registered as a private investigator shall be withdrawn. The stipulation also states that no findings by the Board on any administrative complaint against Jacobson and/or 701 Investigations have been made. Randy Seconded. A roll call vote was taken, and it was unanimous to approve the motion.
27. Jason made a motion to adjourn the meeting. Second by Ernie. A roll call vote was taken, and it was unanimous to approve the motion. Meeting adjourned at 11:43 a.m.



 Chairman

9/9/20

 Date



 NDPISB Executive Director

9-4-2020

 Date