

April 27, 2011

Letter to Editor of the Colorado Statesman

RE: Colorado Private Investigator Licensure

As the Colorado legislature winds down its current session, one bill that remains on the table - on its way to Senate committees as of this writing - seems to epitomize the legislative double-speak that we have become accustomed to hearing.

In the midst of our state fiscal crisis and cutbacks – comes a little bill to regulate the private investigative industry (HB 1195) in Colorado. Spurious special interest lobbying for more government regulation and more cost. How does it add up? When will fiscally conservative and responsible lawmakers plug the obvious holes in the dike and establish responsible the financially-responsible government we voted to have.

Consider that this bill is not a licensing bill for investigators – though that is how it started out, with provisions – quickly amended out – to give investigators greater access to public records. Rather, it is a “registration” bill that allows the Department of Regulatory Agencies (DORA) to grant the right to certain qualifying detective agencies to advertise that they are “licensed” by the state - and allow consumers to decide if they want a “licensed” or “unlicensed” private investigator. It is a bill designed by a special interest group using a powerful local lobbying firm, composed of former lawmakers, to keep responsible investigators who may not work full-time – including many retired FBI agents – from qualifying for a “license.”

Despite considerable opposition and reasonable arguments against this unnecessary legislation, it has sailed through every committee in the House and moved slickly off the House floor to the Senate, as if by slight of hand. While that issue may describe the good-old-boy network that runs the Colorado Statehouse – it doesn’t serve constituents in any meaningful or appropriate way, nor protect consumers (even DORA has offered in its review that there is no compelling need for registration or licensing). And worse yet, the bill fails in even the basest effort to offer consumer protection – since it doesn’t require investigators to carry a shred of liability insurance – consumers’ real protection.

The Professional Private Investigators Association of Colorado – an organization of which I was once president – has hired a powerful lobbying firm and spent thousands of dollars of its members’ money to do so. If it succeeds in passing this bill, the ranks of PI’s here will be reduced, which is merely a marketing tool by the proponents to force more business through their own doors and limit the choices of consumers. Under current

amendments, those who likely will not meet the annual “hours of experience” requirement envisioned by the bill include not only retired FBI agents, but police officers and fire investigators competent and experienced – who won’t meet the arbitrary hours of work as a private investigator herein contemplated.

My business might benefit from this legislation – but only at the cost of others who provide legitimate and competent service. I have voiced my opposition to this legislation vigorously and frequently throughout this process – from the bill’s ill-conceived origins up to and including its juggernaut path through the General Assembly this session. That hasn’t made a dent – but maybe a public statement will.

As lawmakers continue talk about fiscal constraints, about making government more efficient and responsible, in finding ways to cut costs, HB 1195 is all about the opposite: it wants to increase the role of government to regulate a profession that is already sufficiently regulated by the marketplace. If HB 1195 passes, it will do so at a cost not only to industry professionals, but to taxpayers as well. It is wasteful, wrong-headed special-interest legislation from which only a handful of private investigative agencies will benefit. This bill is about restricting competition, which is something that has never been good for Colorado consumers, or for the community at large in which we live. We can’t afford it, under any calculation.

I would urge every Senate member, Republican or Democrat, to stand up to the special interests promoting this bill and instead keep the market place open and consumer choice vigorous and responsible. Consumers can chose investigators based on their experience without the state standing in as surrogate, using arbitrary standards to determine who or who is not a good private detective. Constituents, preserve your rights. Let lawmakers know that in this case – the appropriate vote, the only responsible vote, is NO.

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