

March 18, 2014

Email to Senator Linda Newell
concerning Senate Bill 133, Mandatory Licensing for Private Investigators

Ms. Newell:

It is my understanding that SB-133 will be reviewed by the senate finance committee on March 25 at 2pm. I am hearing that amendments might be in order and that you were going to meet with stakeholders. Although at the present time the CSPI does not agree with the present licensing bill, we are still stakeholders, as are the Retired Peace Officers Association a membership of around 140, the Independent Investigators Association, a membership of around 65 (best guesses), we would like to be updated on proposed amendments. I thank you in advance and would appreciate your responses to the questions below. They are very important to all Colorado private investigators.

The below email went out to PPIAC members January, 2014. It discusses the framework for licensing of Colorado private investigators (please read) it has changed dramatically without notice to all of us involved in this process.

For what's it worth I think CSPI members and I might be able to go along with the level 1 and level 2 private investigator concept. A background, jurisprudence test and bond we might be able to live with. We do not, under any circumstances go along with the hours or years requirement of our profession to be determined after the bill becomes law. This makes absolutely no sense, and smells of a back room deal already made.

The concept of the proposed bill (see below) is exactly what PPIAC has wanted all along:

- 1- Who is out there as a pi
- 2- what is their background
- 3- Are they insured or bonded.

No longer the case, doesn't look like the same bill, but looking back at the 2011 volunteer licensing bill, it started out with the same concept-remember all that public record we were going to get, police reports, anything and everything under government control, only problem, all those ideas were taken out of the bill the first 5 minutes at the first hearing, and that removal of the really good stuff did not get back to PPIAC

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members and others for a very long time. That was nothing more than the carrot dangling in front of the horse. That should be a reminder of what appears to be going on at the moment. It sounds good, and those behind the concept know it ain't gonna happen, but got you hooked on the idea.

It would appear at the expense of those wanting to enter the field without any experience will no longer be able to do so, in fact those in business currently that don't meet the (unknown) requirements to be determined later by the director (if the bill is passes) might be out of business Why is anyone going along with this? This makes absolutely no sense to others and me.

The bill had some recent major changes (that were never discussed with ALL the stakeholders; PPIAC is not the only group with a dog in this fight), level 1 and level 2 investigator have been eliminated. We have reference to agency licensing and managers. What? I have a very good idea of what happened with the agency concept and eventually will share will the Colorado private investigation professional another time.

With that said have a few questions the CSPI, others and I would like answered:

1-why was the level 1 and 2 taken out of the bill?

2-Can a person who passes the background, jurisprudence test, obtains a bond, has no experience, set up their own business?

3-What about those currently in business that might not meet the qualifications to be set forth by the Director, what happens to them if they do not meet those requirements?

4-Why was the agency language inserted into this bill and how is that to help Colorado private investigators?

5-Does this bill allow private investigators who do not reside in Colorado to receive a license if qualified.

6-If the answer to # 5 is yes, why are they able to do so?

7-Eliminating those without experience to enter the profession, you raised the cost of the license, smaller the pool the higher the cost-why would you do that?

8-How much influence did NCISS have in your decision to drop the level one and two requirements?

9-How is the agency situation going help the majority of Colorado private investigators?

10-Why would you go along with allowing the Director to make the rules as it relates to requirements of a private investigator?

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11-Where is the background work from other states which currently license private investigators that depicts the conduct of those who violate their state laws and how were they sanctioned?

12-How many Colorado private investigators do you project will apply for the license and what is the data that helped with that projection?

13- Is the data different then 2011, and if so why?

14-What happened to the idea, you only want to know who is in Colorado acting as a private investigator, and passed all the requirements of background, bond, jurisprudence testing? What was (is) the reason for this? I assume you know this a job killer to many and those currently in business that do not met the (unknown) requirements, with that in mind ,why?

15-Have you provided the DORA with a number of potential licenses issued and with that number have they given you a number of the cost of the license. For example, we will have 250,300 or 400 apply, what is the projected cost. We can agree can't we, they don't need an exact number, they just need a number. If this has been done why have we not been provided with the information, and if so what was their response?

16-Please explain jurisprudence test and what is the cost of this test to develop?

17-Why are you allowing the Director to establish requirements when we already have them in place under the soon to be abolished volunteer licensing program?

18-Are you aware that the majority of complaints filed against licensed private investigators has to do with issues involving internal record keeping, not getting paperwork to the government on time, forget to sign a check, etc.?

19-As you know PPIAC had ample time to prepare and debate the licensing pros and cons with me, in the presence of Colorado private investigators some members and nonmembers of the CSPI and chose not to send a representative. If they agree so strongly with the licensing position, why did not you, the PPIAC lobbyist, or any of their board members or anyone show up for the discussion and debate?

20-Has there been any discussion with anyone as it relates to requirements, hours or years, etc. to get the license? And if so with who and what was discussed?

21-Are you aware that NCISS President Bob Heales has a presence in Colorado, is a past president of PPAC and it was NCISS they might not support licensing of Colorado private investigators unless the agency concept was part of the bill-if so, does that strike you as a bit odd, possible conflict, anything out of the ordinary?

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Some historical information, not sure, but I don't believe that Chris Bray, Ryan Johnston, Julie MacAleer, Heather Cohen and Devon Gideon all current PPIAC board members Jenn Brown who is an outstanding criminal defense investigator, Dave Cottrell, Tan Smyth, Brendon O'Neal, Kate Dolan and scores of others, had no prior law enforcement, military or investigative experience or were a licensed private investigator prior to starting their own businesses in Colorado. If requirements were in place then, none of them would be where they are today. If this proposed legislation is not an example of a job killer and elimination of competition perhaps you could provide me another definition.

The lack of transparency is so outrageous, unfair, self-serving, and benefits so few at the expense of others is blatantly clear. None of this nonsense will affect my business, academy or not, I would maintain the same position. Fair play and leadership is clearly missing from this game plan.

Your process of elimination of future Colorado private investigators as a result of the (unknown) requirements just raised the cost of the licensing fee if this thing passes. No wonder this program is \$40,000.00 in the hole.

AS a reminder, CSPI, Colorado Independent Investigators Association and the Retired Peace Officers Association are stakeholders and whether we agree with licensing or not, amendments or changes to the bill from this time forward, we would like to be notified for input, who knows perhaps our differences can be worked out (please see below).

Others and I look forward to your response.

Thanks in advance,

Rick Johnson

First and foremost, the bill is an effort to bring every private investigator operating in Colorado under the oversight of the Department of Regulatory Agencies (DORA). There will be no "voluntary" component. If you offer private investigative services (as defined in the bill), you will be required to do the following:

1. Pass a background check to ensure that your personal history is consistent with being entrusted with (often times) very sensitive, personal information - not only that of your client but that of the subject of your investigation. When I applied for my voluntary license, that cost me about \$35 and I don't see that changing.
2. Pass a "jurisprudence examination". This exam will be a short test to make sure you understand the laws governing your profession in Colorado, from "How long does a license last?" to "Can I use tracking devices (GPS) on vehicles?". The exam will be basic and broad in nature, and will require just a small amount of preparation on your part. I'm sure PPIAC will be holding training sessions to help our members (and even non-members) prepare for the test.

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And that's basically it. Satisfy #1 and #2 and you will be issued a "Level I" private investigator license. DORA will require that you maintain a small bond, which is what your client would go after if you were to disappear with their retainer or breached your contract. That kind of bond can usually be purchased for around \$ 100/yr.

Now, here's the most important part about this for many of our newer and/or less experience members. It is also important to newer and/or less experienced members outside of PPIAC. This license law is specifically designed to make sure that anybody with a clean background that wants to enter or stay in the profession has the ability to do so. There is no barrier to get a license, such as requiring a certain amount of hours or education. Just demonstrate that you have a clean background, pass a test and get a bond. That's it. You're licensed.

Another key provision of the proposed law is that PIs with more experience might consider applying for a "Level II" license. It doesn't cost any more than a "Level I", but it does designate you as a person with a certain amount of experience and/or training (that amount will be determined by DORA during its rule making phase). This provision in the bill was specifically designed to reward private investigators that spend years honing their craft. It is very important to acknowledge experience, and we believe this does just that.