

Thursday, March 6, 2013

Members of the Colorado Senate Finance Committee:

Thanks for your service as a Colorado Legislator; decision making can be a difficult process. SB-133, the mandatory licensing of Colorado Private Investigators is on your agenda for Tuesday, 11th, at 2pm. Many Colorado private investigators and I oppose this bill, my reasons are below. This is a nonpartisan issue. **PLEASE VOTE NO ON SB-133.**

Some history. In June 2011, the Professional Private Investigators Association of Colorado (PPIAC) was able to get a law passed, that allowed Colorado private investigators to make application for a voluntary license. The PPIAC informed the legislature and the Department of Regulatory Agencies (DORA) that if the bill passed, no fewer than 250 pi's would obtain the license. The volunteer concept was met with resistance from me and others, primarily as it related to the potential cost of the license and a fiscal note that was attached to the program, but to no avail. Based on the 250 number, the DORA set the first year license fee at \$340.00, ouch was the reaction of many investigators. Those in support of the voluntary licensing program were thinking a \$200.00 one year fee was acceptable, not \$340.00. That response is indicative of how many Colorado private investigators value the license.

It gets worse, the interest in the voluntary program diminished significantly as a result of the \$340.00 fee, the following year the license fee was set at \$640.00 and in 2014 the fee was set at \$1,095.00, ouch, ouch and ouch again. No more than 80 Colorado private investigators applied for, and paid the outrageous fees in connection with this disaster. The PPIAC calculation of 250 was just a little off, shaking your head yet?

These are indisputable facts. As a result of the high fees, the PPIAC in order to lower the cost of the license, decided to have all Colorado pi's get a license. How thought full of them. The more pi's in the system the lower the fees. Senator Linda Newell is leading the charge for the PPIAC along with their high priced lobbyist. Those of us in the opposition do not have a lobbyist, even a cheap one...

The PPIAC had to come up with a really good selling point in order for the current legislature to consider a mandatory licensing program, something that would appeal to all legislators and sound really good, so, they came up with the angle of consumer protection. Please keep in mind, the words, 'consumer protection' were never once muttered in 2011. Sounds reasonable, except so few complaints have ever been filed against a Colorado pi it is difficult for them sell that concept, and let's not forget all the ways that Colorado pi's can be sanctioned for unscrupulous behavior. I am not suggesting that Colorado doesn't have issues with some Colorado private investigators, but to penalize the entire profession is over kill.

I do not believe the PPIAC, based on past performance, can be trusted to provide accurate numbers of how many private investigators would be forced by rule of law to obtain a license if SB-133 were to pass. It was made clear at the February, 11, 2014, Senate Judiciary Committee hearing, that two of Colorado's largest private eye organizations a memberships total of around 220, primarily made up of retired Colorado law enforcement personnel, would simply retire if they felt the licensing fee along with the hassle were more trouble than the potential return on their investment. Colorado will lose a tremendous amount if investigative talent. They and the Colorado Society of Private Investigators (CSPI) a membership of 35 want nothing to do with any licensing program at the moment-not to say we won't change our minds at a later date if we felt such a program were warranted.

The PPIAC submitted misleading numbers to the Colorado legislature in 2011 to get what they wanted-the voluntary licensing program. Their numbers were off-way off and to date has cost Colorado taxpayers \$40,000.00. How will we know if the PPIAC submits new numbers that they will be any more accurate than those in 2011? \$40,000.00 equals the one year salary of a prison guard, school teacher or fireman. That is a good investment, not this deal

You represent all Colorado taxpayers, what evidence exists to suggest that a similar deficit will not happen if licensing becomes mandatory? Are you willing to take another chance on this? Money is tight, you might find this amount insignificant, however many of us don't. Invoice the PPIAC the \$400,000.00; they should take ownership of this mess.

Should this bill pass, that \$40,000.00 deficit unfortunately should be part of the licensing fee, however, that will drive the cost of the license so high it might put small operators out of business. Like so many businesses we are already overburdened with fees, rules paperwork and taxes, we do not need any more government nannies. Allowing businesses to grow and thrive in Colorado is good for the consumer, the state and the business owner, unnecessary regulation is a bad thing.

This present bill is now being sold to the Colorado legislature as a consumer protection issue rather than the truth which is the outrageous cost of the voluntary license fee which have climbed from \$340.00 to \$10095.00 between 2001 and 2014. Do you really think if the cost of a license were \$200.00 per year we would be debating the value and need of this present bill?

Those pushing this bill got exactly what they asked for in 2011, which was a voluntary private investigator licensing bill. They are the ones totally responsible for the \$40,000.00 deficit; along with the 2011 Colorado legislature- please do not make the same mistake a second time. I have listed eight indisputable facts as it relates to SB-133:

- 1- A \$40,000.00 deficit is with the DORA as a result of PPIAC providing misleading numbers as it relates to the 2011 voluntary licensing bill;**
- 2- Those favoring licensing of Colorado private investigators, have provided little factual information to support their claim as it relates to consumer protection;**
- 3- The PPIAC offers assertions and little facts to support their position in relation to the consumer protection issue, rather disappointing, after all we are in the investigation business;**
- 4- The Colorado legislature is trusted with our tax dollar and we trust you're good judgment on how that money is to be distributed. Spending additional money on SB-133 already with a three year bad track record is not in the best interest of the Colorado taxpayer;**

- 5- The PPIAC didn't have the courage to debate this issue, or champion their position with their opponents, that says much about this group, do really believes this bill is necessary ,or is it a way for them to monopolize the market place;
- 6- Why didn't the PPIAC provide legislators and those who oppose this nonsense with complaints filed against licensed pi's in other states to bolster their position- or is it because they don't exist or because they have a senator ,a lobbyist and the burden of proof does not apply to them, and it does appear to be the good old boy network writing and passing legislation;
- 7- Colorado has not licensed the pi profession for close to 40 years and in that time have had a pretty good track record of few problems;
- 8- Colorado currently has more than enough laws in place to deal with bad actors ,title 18 of the Colorado Criminal Code, the BBB, civil court ,smalls claim court and the Colorado Consumer Protection Act.

President Calvin Coolidge once said killing a bad bill is better than passing a good one. This bill is overdue for the death sentence, legal injection, hanging , firing squad, guillotine, or sparky, I don't really care.

Any questions please let me know.

PLEASE VOTE NO ON SB-133.

Sincerely yours,

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