

**STATE OF VERMONT  
SECRETARY OF STATE  
OFFICE OF PROFESSIONAL REGULATION  
BOARD OF PRIVATE INVESTIGATIVE AND SECURITY SERVICES**

In re: ELVIN GUY PARADEE	}	
License No. 066.0004839	}	Docket No. 2016-483
	}	
In re: PARADEE AND ASSOCIATES, INC.	}	Docket No. 2016-487
License No. 044.0002203-PI	}	

Appearances:

Prosecutor: Jennifer B. Colin, Esq.  
Respondent: Did not appear

Hearing Officer: George K. Belcher

**DEFAULT ORDER**

The Hearing Officer of the Vermont Board of Private Investigative and Security Services held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on August 21, 2017 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

**Findings of Fact**

1. Respondent Paradee is a licensed Private Investigator/Qualifying Agent and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 59, and the Administrative Rules of the Board, and the Rules of the Office of Professional Regulation. Respondent, Paradee and Associates, Inc., is a Licensed Private Investigative Agency and subject to the same statutes and rules.
2. Charges were filed in this matter on May 20, 2017. The Respondents were sent a Notice of Charges in this matter by certified mail and first class mail to the address of the Respondents which was on file with the Office of Professional Regulation on May 23, 2017. The certified mail notice was returned to the OPR Office on June 1, 2017, receipt acknowledged on May 30, 2017, and the first class mail notice was not returned. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. On July 25, 2017 a notice was sent to the Respondent advising of the hearing before the Board to find a default and advising that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail and by regular mail. The certified mail notice was returned on August 21, 2017, with receipt "unclaimed". The regular mail notice was not returned as of the date of the hearing.

5. Respondents have not filed an answer to the charges, nor filed any communication showing good cause for failure to answer. The Respondents did not appear at the hearing on default. The Respondent, E. Guy Paradee, filed an email letter with the Office of Professional Regulation dated August 21, 2017. In his letter. Mr. Paradee stated in part,

Again, I mean no disrespect to anyone in particular, but I have no plans to attend this hearing due to medical reasons and my personal “why bother.” I really don’t care what you do with my license because I feel someone’s mind is already made up. I do not intend to do anymore investigations, unless pro bono, except for a couple of cases I am working on now. Again, I will finish them pro bono if need be.

6. In the Respondent’s letter he implied that he did not provide an answer to the charges because he should have been given discovery when charged and because he had been unfairly treated in a prior case. Discovery is provided to a party once it is clear that there is an issue of fact to be resolved. Moreover, it is unclear from the Respondent’s letter, who treated him unfairly before (Rutland Police, Superior Court, “prosecuting attorney”, or the Board). This part of his answer implies that he received notice of the charges and simply chose not to answer.
7. Upon consideration of the Prosecution’s presentation and taking notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d),and 3 V.S.A. § 814(c).
8. It is specifically found that the Respondent violated essential standards of acceptable and prevailing practice by failure to report to his client, failure to return a retainer where work was not performed, failure to document to the client the work performed and the time expended and the status of an investigation.
9. It was the recommendation of the State of Vermont that the Respondents’ licenses be indefinitely suspended and not reinstated unless the Respondents petition for reinstatement and unless any administrative penalties are paid in full and unless the Respondent registers as a sole proprietorship or has renewed the agency license of Paradee and Associates, Inc. Should the Board later determine that the Respondent’s license should be reinstated the Board may impose such conditions upon the licenses of the Respondents as may be appropriate. In addition it was recommended that Elvin Guy Paradee be assessed an administrative penalty in the amount of \$1,000.00 and that Paradee and Associates, Inc., be assessed an administrative penalty of \$500.00. Those recommendations were accepted and follow below in the proposed order.

### **Conclusions of Law**

Respondents have received adequate or constructive notice of the charges in this matter as indicated by the Board’s file and the Prosecution’s presentation. Because the Respondents have failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondents have engaged in the unprofessional conduct alleged in the Specification of Charges. The Respondents

committed unprofessional conduct by violating 3 VSA Secs. 129a(b)(2).

### Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board does **ORDER**:

#### 1. Respondent Elvin Guy Paradee

- A. Monetary Civil Penalty in the amount of One Thousand Dollars (\$1,000.00) is imposed, to be paid within ninety days of the Order.
- b. Indefinite Suspension. Respondent's License is Indefinitely Suspended. Respondent must petition for reinstatement, only after having paid the Monetary Civil Penalty.
- c. Registration of a Sole Proprietorship or Renewal of Paradee and Associates, Inc. If Respondent desires to practice, he must either register a sole proprietorship or renew Paradee and Associates, Inc.
- d. Additional Conditions. **IF** reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms the Board deems reasonable at the time of Respondent's reinstatement request, taking into account the Default Order and any other relevant factors at that time.

#### 2. Respondent Paradee and Associates, Inc.

- A. Monetary Civil Penalty in the amount of Five Hundred Dollars (\$500.00) is imposed, to be paid within ninety days of the Order.
- b. License or registration status is hereby Indefinitely Suspended. Payment of all required licensure fees and penalties for late renewal are a precondition to renewal or reinstatement.

The Hearing Officer reports the above facts, conclusions of law, and the finding of DEFAULT to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 23<sup>rd</sup> day of August, 2017.



George K. Belcher

Hearing Officer of the Vermont Board of Private Investigative and Security Services

The Vermont Board of Private Investigative and Security Services considered the report of findings of fact and conclusions of law at its meeting on 9-15-17. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

**SO ORDERED.**

Vermont Board of Private Investigative and Security Services  
By: John Eckhardt Date: 9-15-2017  
Chair  
Vermont Board of Private Investigative and Security Services

OFFICE OF PROFESSIONAL REGULATION  
DATE OF ENTRY: 9/15/17

**Appeal Rights**

This is a final administrative determination by the Vermont Board of Private Investigative and Security Services. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main St., Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this Order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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License No. ~~066.0004839~~ E.A.A. )  
044.0002203-PI )

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against Respondents Elvin Guy Paradee and Paradee and Associates, Inc.:

**Board Authority**

1. The Vermont Board of Private Investigative and Security Services (“Board”) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct and unlicensed practice pursuant to 3 V.S.A. 127; 3 V.S.A. §§129, 129a; 26 V.S.A. Chapter 59; the Administrative Rules of the Board of Private Investigative and Security Services (“Board Rules”); and the Rules of the Office of Professional Regulation (“OPR”).

**Statement of Facts**

2. Elvin Guy Paradee (“Respondent”) of Sudbury, Vermont is licensed by the State of Vermont as a Licensed Private Investigator/Qualifying Agent under license number 066.0004839. This license was originally issued on September 20, 1996, was renewed on May 31, 2015, and expires on May 31, 2017.
3. Respondent’s license is associated with Paradee and Associates, Inc., a Private Investigative Agency (“Respondent Agency”).
4. Paradee and Associates, Inc.’s Private Investigative Agency license, number 044.0002203-PI, was originally issued on September 22, 2006, but expired on May 31, 2015 for failure to renew. The Agency license is “inactive.”
5. On or about April 21, 2016, Respondents entered an Engagement Agreement (“Contract”) to provide professional services for a client (the “Client”) who paid a retainer of \$1,000.00.

STATE OF VERMONT



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6. The Contract required Respondents to conduct investigative work and prepare a written report.
7. The Client's retainer check was endorsed by both Respondents.
8. Despite numerous requests from the Client made between the months of April 2016 and August 2016, Respondents failed to provide the Client with any type of report or information documenting the results of the investigative work performed.
9. Respondents failed to provide the Client with an accounting of the time expended on his services so that the Client knew how much, if any, of the retainer had been expended.
10. Respondents failed to provide the Client with any information that would lead the Client to believe any investigative work on his matter had been performed by Respondents.
11. Respondents failed to return any portion of the Client's retainer, despite the Client's written demand.

**Violation One: 3 V.S.A. §129a(b)(2) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice.**

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. The essential standards of acceptable and prevailing practice require a licensed private investigator and a licensed private investigative agency to perform the investigative work required by a services contract with a client and to provide a written report to the client if the contract so requires.
14. The essential standards of acceptable and prevailing practice require a licensed private investigator and a licensed private investigative agency to return a client's retainer in the event the services are not performed.
15. The essential standards of acceptable and prevailing practice require a licensed private investigator and a licensed private investigative agency to provide invoicing or an accounting to a client who has paid a retainer and requests an accounting of the hours worked and services performed.

STATE OF VERMONT



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16. The essential standards of acceptable and prevailing practice require a licensed private investigator and a licensed private investigative agency to be responsive in a timely manner to client inquiries regarding the status of an investigation.
17. The facts alleged in Paragraphs 5 through 11 demonstrate that Respondents have failed to practice competently by failing to conform to the essential standards of acceptable and prevailing practice.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondents have committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).


**Relief Requested**

**WHEREFORE**, the licenses of Elvin Guy Paradee and Paradee and Associates, Inc. should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 20<sup>th</sup> day of May, 2017.

STATE OF VERMONT  
SECRETARY OF STATE

By: \_\_\_\_\_

  
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