

MINUTES

**UTAH
Security Services Licensing Board
MEETING**

December 11, 2008

**Room 210 – 2nd Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 2:54 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Johnny McCoy
Paul K Rothe
Perry Rose
Alan Conner
Clayton Merchant
Sheriff Merrell

Board Members Absent:

Guests:

Zehida Gahovic, Peak Alarm
Leah Hegge
Robert Anderton, PACSCo (Professional Alliance of
Contract Security Companies)
Royd Waters
Brian Grob
Shatiece Somerville
Rich Brede, Wackenhut Services Inc
Tom Berry, Wackenhut
Bret Roderback, Salt Lake Valley Protective
Joel Fletcher, Frontline Protective Services LLC
Weng Boon Jr, Frontline Protective Services LLC
Spencer Wagner
John Donatello

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Compliance

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Approve Minutes from the October 30, 2008 meeting

HEARINGS:

9:00 a.m. LaMar, Jill

Mr. Rose seconded by Mr. Rothe made a motion to approve the minutes from the October 30, 2008 Board Meeting, the motion carried unanimously.

Ms. LaMar's hearing was cancelled less than twenty-four hours prior to this meeting. Ms. LaMar choose to surrender her Armed Private Security Officers License.

10:00 a.m. Schomburg, E Timothy

Mr. Schaumburg's hearing was tabled until 9:00 a.m. on February 12, 2009, due to Mr. Schomburg having not received notification, in a timely manor.

BUSINESS FROM PREVIOUS MEETING:

Pendum LLC – Training Program Review

Mr. Merchant explained that he had reviewed Pendum LLC's proposed addendum to PACSCO's Armored Car Training Program.

Mr. Merchant explained that with all of the previously requested information being submitted, he would make a motion to approve the proposed addendum; Mr. Rothe seconded the motion, the motion carried unanimously.

APPOINTMENTS:

11:15 a.m. Compliance

Mr. Barnes reviewed the current probationers with the Board, for the benefit of the newer Board members.

11:30 a.m. Grob, Brian – Probation Interview

Mr. Barnes explained that at this time all Mr. Grob is meeting all requirements of his MOU (Memorandum of Understanding).

After a brief discussion it was determined that Mr. Grob is in full compliance with his MOU, and will meet again with the Board on February 12, 2009, at 10:15 a.m.

11:45 a.m. Somerville, Shatiece – First Probation Interview

Mr. Barnes explained that this is Ms. Somerville's first probation interview, and that she has concerns with some of the requirements of her MOU.

Ms. Somerville appeared for her first scheduled probationary appointment with the Board, and submitted proof of completion of her court ordered Anger Management course. Mr. Ormond explained that Ms. Somerville plead guilty to one count of criminal mischief a class B misdemeanor and one count of simple assault on December 18, 2007.

Mr. Barnes explained that one of Ms. Somerville's MOU requirements is that she submits a letter from her Anger Management Counselor stating that, due to her job duties and responsibilities, she is not a danger to the public. While attempting to meet this requirement Ms. Somerville is being required to undergo a full evaluation and pay an additional fee of \$250.00.

After a detailed discussion Mr. Merrell seconded by Mr. Rothe made a motion to wave this portion of Ms. Somerville's MOU, based on her completion of the Anger Management course, the motion carried unanimously.

It was determined that Ms. Somerville is in compliance with her MOU, and will meet again with the Board on February 12, 2009 at 10:45 a.m.

12:00 p.m. Unified Family Services, LLC –
Sprague, Justin QA

Mr. Ormond explained that Mr. Sprague was unable to attend this meeting, adding that Mr. Dietrich, Mr. Sprague's predecessor, will continue as the Qualifying Agent for this Company until Mr. Sprague is approved.

This application for approval of Qualifying Agent, has been tabled until the February 12, 2009 Board Meeting.

12:15 p.m. Wackenhut Services Inc – QA
Brede, Richard

Mr. Brede appeared for his scheduled appointment with the Board to review Wackenhut Services Inc's application for licensure as a Contact Security Company with Mr. Brede as the Qualifying Agent.

Mr. Brede's qualifications, were thoroughly reviewed, It was added that Mr. Brede will be taking the Security Personnel Qualifying Agent Examination, prior to the end of January 2009.

Mr. Anderton then expressed PACSCo's concerns with approving a full-time Peace Officer as the Qualifying Agent for this Company, based on the size, and nature, of the contract that Mr. Brede will be responsible for.

Mr. Rose seconded by Mr. Rothe made a motion to table for this application, for thirty-days, to enable Mr. Brede time to determine, if he would like to continue to pursue becoming the Qualifying Agent for Wackenhut Services Inc, the motion carried unanimously.

12:30 p.m. Berry, Thomas – Continuing Education Review

Mr. Berry appeared for his scheduled appointment to review his Armed Private Security Officers Continuing Education Audit course. Mr. Berry is requesting to use 24 hour of US Army firearms instruction, as Armed Security Officers instruction.

Mr. Merchant seconded by Mr. Conner made a motion to approve the firearms hours directly related to his private security officer weapon only, contingent upon proof of an additional eight hours of classroom instruction being submitted, the motion carried unanimously.

1:30 p.m. Frontline Protective Services LLC – Fletcher, Joel QA

Mr. Fletcher and Mr. Boon appeared for their scheduled appointment with the Board to review Frontline Protective Services LLC's application for licensure as a Contract Security company, with Mr. Fletcher as the Qualifying Agent.

Mr. Fletcher explained that he is scheduled to take the Security Personal Qualifying Agent Examination on December 15th, and that he will be responsible for the day-to-day operations of the company. Mr. Fletcher explained that he has extensive experience in the US Military.

Mr. Rothe seconded by Mr. Rose made a motion to approve Frontline Protective Services LLC with Mr. Fletcher as the Qualifying Agent, contingent upon Mr. Fletcher passing the Security Personal Qualifying Agent Examination prior to March 1st, and all missing information having been submitted to the Division, the motion carried unanimously.

1:45 p.m. Spencer, Jeremy – Application
Review

Mr. Spencer was unable to attend his scheduled appointment with the Board to review his application for licensure as an Unarmed Private Security Officer. Mr. Ormond explained that Mr. Spencer had entered into a plea in abeyance agreement to an Unlawful Detention, a class B misdemeanor, and a Simple Assault, a class A misdemeanor charge on January 24, 2008. Mr. Ormond then added that court ordered requirements have not been completed at this time.

After a detailed discussion Mr. Merchant seconded by Mr. Rose made a motion to deny Mr. Spencer's application for licensure, based on the length of time since the charge occurred, the motion carried unanimously.

2:00 p.m. Wagner, Spencer – Application
Review

Mr. Wagner appeared for his scheduled appointment with the Board, to review his application for licensure as an Armed Private Security Officer.

Mr. Ormond explained that Mr. Wagner had entered into a plea in abeyance agreement on a Simple Assault charge on April 11, 2006, which was later dismissed on June 29, 2006. Mr. Ormond further reviewed all of the documents within the application including the police report, several recommendation letters, and copies of other professional licenses, and concealed weapons permits which Mr. Wagner has held. It was noted that all of the recommendation letters were dated prior to the incident in question.

Mr. McCoy and the Board were concerned that Mr. Wagner, an individual who has extensive experience in this profession, would use "pepper spray" on three unarmed individuals, and fail to contact the police.

Mr. Rose seconded by Mr. Conner made a motion to deny Mr. Wagner's application for licensure as an Armed Private Security Officer, based on the length of time since the charge occurred, the motion carried unanimously.

The Board then added if Mr. Wagner submitted an application for an Unarmed Private Security Officers license, they would consider issuance at that time.

DISCUSSION ITEMS:

IASAR – Information Review

Mr. Ormond updated the Board regarding the outcome of the IASAR (International Association of Security and Investigative Regulators) Conference in Orlando, Florida, November 5th through the 11th, 2008.

- Foreign Workers; Companies are bringing in individuals from other countries to work as security officers. The concern is that the Division does not have access to Interpol, and that even though Homeland Security does a Background Check they are only looking for terrorist issues, not the type of charges that would disqualify an individual from licensure.
- Some States are regulated by Police Agencies, who check for criminal history daily. Mr. Ormond suggested that this may be an avenue we should pursue. He further suggested getting NCIC (National Crime Information Center) and III (Interstate Identification System) access, and tying a national criminal history check to each renewal. Mr. Ormond then explained that even though licensees are required to notify the Division within 72 hours of an arrest, this is not happening.
- The largest issue to come out of the conference was training:
 - Most states are equal to or heading towards more training than what we currently require. Also, most States require more training for their instructors. Mr. Ormond suggested increasing the requirements for instructors, or certifying the trainer in the future. He then added making this change would require a statutory change.

Mr. Ormond explained that the Division has become aware that licensees are being charged approximately \$250.00 to become licensed, (\$95.00 for the application and fingerprinting fees, and an additional \$150.00 for training).

Mr. Ormond added that if a licensee fails to submit proof of completion of the “Additional 16-hours” of training the application is denied, and the licensee is

again charged \$95.00 by the Division to re-process their application. It was then explained that the Division is denying about thirty licenses each month, and about a quarter of those are needing to reapply for licensure

Many suggestions arose during the ensuing conversation:

- The Division's testing vendor could administer the examination.
- Hold the instructor accountable if a licensee fails to be appropriately trained.
- Requiring the full 24-hours of training to be completed prior to licensure.
- Eliminating the OJT program.
- Re-write training requirements to closer emulate police agencies.
- State offered continuing education classes.
- Have an academy for Security Officers.
- All training to be done by the Division.
- Require all Armed officers to have a concealed weapons permit.

This issue was tabled until the next meeting on February 12, 2008 for further discussion.

On-The-Job Training Form Issuance - Memo

A memo was reviewed by the Board, regarding the new "On-the-Job Training Form" issuance procedure. Ms. Adams explained that the Division is concerned with the number of licensees that are being denied for failure to supply proof of completion of their "Additional 16-hours" of training. She then added that some of the denied licensees are contacting the Division stating that they were not aware that they needed to do the training.

Mr. Merchant agreed with the Divisions suggested "Memo" adding that he felt that the full 24 hours should be completed prior to licensure, Mr. McCoy and Mr. Rose agreed. Mr. Ormond explained that originally the Division wanted all of the training completed prior to licensure, however, PACSCo; felt that it would be too much of a burden on the profession, the Division had agreed to the current procedure. Mr. Rose further added that he felt that all training should be classroom instruction and none should be OJT. Mr. Roth was adamant that a

representative of PACSCo should be present for this discussion. Mr. McCoy agreed, and this issue was tabled for further discussion after a PACSCo representative could be present.

Mr. Anderton later appeared for the Board Meeting, this issue was readdressed. Mr. Anderton expressed his concern with the current State business hours; however, he was enthusiastic about the "Memo" and expressed his approval.

The "Memo" will begin to be distributed to the profession on December 15th, and as of January 1, 2009, only a licensee will be eligible to pick-up a OJT.

CORRESPONDENCE:

Executive Order "Ethics"

Reviewed, with no further action taken

Salt Lake Tribune "Gun Permits" article

An article was reviewed regarding the number of individuals who's "Concealed Weapons" permits were denied, due to recent criminal history. Mr. Ormond explained that while an Armed Private Security Officer is on duty he may, if appropriately assigned, carry a concealed firearm, while off-duty if he must have a concealed weapon permit.

Mr. Rose added that police agencies are concerned that Security Officers are not required to be a citizen of this country to become licensed. Mr. Ormond and Mr. Barnes added Senate Bill 81 may alleviate this concern.

Another article regarding a new POST (Peace Officers Standards and Training) disciplinary matrix was also discussed. Mr. Merrell later faxed a copy of the matrix to Mr. Ormond for his review and possible Division use.

ADJOURN:

2:54 p.m.

Contract Security Licensing Board Minutes

December 11, 2008

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Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

February 12, 2009

(ss) Johnny McCoy

Date Approved

Chairperson, Security Services Licensing Board

February 17, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing