

MINUTES

UTAH Security Services Licensing Board MEETING

February 12, 2009

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

CONVENED: 9:01 a.m.

ADJOURNED: 5:14 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Johnny McCoy
Perry Rose
Alan Conner
Paul K Rothe

Board Members Absent:

Clayton Merchant
Sheriff Jeff Merrell

Guests:

Russell Rose – Pride Security
Frank Hattonward – Allied Barton
Jeremy Lee – Allied Barton
George Frandsen – Allied Barton
Derick Johnson
Jill LaMar
Robert Anderton - PACSCo (Professional Alliance of
Contract Security Companies)
Brian Grob
Shatiece Somerville
Richard Setzer – CBI
Paul Adams – SOS Security
Rich Brede - Wackenhut Services Inc
Bryon Zylks
Zachery Jones
Kristal Bright – Northern Utah Security
Adrian Woldberg – Securitas
Pat Neal – Peak Alarm
Kaylene Loghry – Uintah Basin Security

DOPL Staff Present:

F. David Stanley - Division Director
Ronda Trujillo - Compliance Assistant

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Approve Minutes from the December 11, 2008 meeting

DECISIONS AND RECOMMENDATIONS

Mr. Rose seconded by Mr. Conner made a motion to approve the December 11, 2008 Board Meeting minutes, the motion carried unanimously.

HEARINGS:

9:00 a.m. Schomburg, E Timothy

Conducted.

10:00 a.m. Mortensen, Mark

Conducted.

BUSINESS FROM PREVIOUS MEETING:

Training Program Review

This issue was tabled until the April 9, 2009 meeting, due to time constraints.

APPOINTMENTS:

11:30 a.m. Compliance

Ms. Trujillo explained that Mr. Richard L Stair and Ronin Risk International, Inc will both be released from their Stipulation and Orders, due to all requirements of the probations having been met.

She further explained that Mr. Johnson, Mr. Grob and Ms. Somerville are all in full compliance with their MOU's (Memorandum of Understandings) at this time.

11:45 a.m. Johnson, Derick

Mr. Johnson appeared, for his scheduled probationary appointment with the Board. Ms. Trujillo explained that Mr. Johnson will be released from his Unarmed Private Security Officers MOU, due to the time frame having been completed, however he will remain on probation until September 2009 for his Armed Private Security Officers license.

Mr. Rothe seconded by Mr. Conner made a motion that Mr. Johnson is in full compliance with his MOU, and will meet again with this Board on June 11, 2009, the motion carries unanimously.

12:00 p.m. Grob, Brian

Mr. Grob appeared, for his scheduled probationary appointment with the Board.

Mr. Rose seconded by Mr. Rothe made a motion that Mr. Grob is in full compliance with his MOU, and will meet again with this Board on June 11, 2009, contingent upon remaining in compliance with his MOU; the motion carries unanimously, with Mr. Conner abstaining.

12:15 p.m. Somerville, Shatiece

Ms. Somerville appeared, for her scheduled probationary appointment with the Board. Ms. Trujillo requested for Ms. Somerville to submit documentation that all charges have been dismissed. Ms. Somerville has also changed her name; proof of the legal name change was also requested.

Mr. Rothe seconded by Mr. Conner made a motion that Ms. Somerville is in full compliance with her MOU, and will meet again with this Board on June 11, 2009, contingent upon remaining in compliance with her MOU, the motion carries unanimously.

12:30 p.m. Hymas, Benjamin

Mr. Hymas contacted the Division, prior to this meeting, regarding his appointment, he explained that he is no longer working in this profession, and is willing to surrender his license as an Unarmed Private Security Officer.

Mr. Rothe seconded by Mr. Rose made a motion to begin an Order to Show Cause investigation or require Mr. Hymas to surrender his license, the motion carries unanimously.

2:15 p.m. LaMar, Jill

Ms. LaMar appeared for her scheduled appointment with the Board, to review her application as an Unarmed Private Security Officer, as it relates to her May 1, 2007 Possession of a Controlled Substance, 3rd degree felony charge, which was later dismissed, and her December 11, 2008 Surrender of licensure as an Armed Private Security Officer.

Ms. LaMar explained that she has made some bad decisions in the past. She further explained that at the time of the charges, she knew she had a drug problem and had checked herself into a rehabilitation program, and she continues to attend Narcotics Anonymous and Alcohol Anonymous meetings on a regular basis.

Ms. LaMar further explained that she surrendered her

Armed Private Security Officers license; due to her concern that the license would be denied based on her being a “recovering addict”.

After a detailed discussion Mr. Rose seconded by Mr. Conner made a motion to deny Ms. LaMar’s application for licensure, due to not enough time having passed since she received her charge, the motion carried unanimously.

Mr. Rose then added that Ms. LaMar may reapply for licensure, in six months, contingent upon no additional charges.

2:30 p.m. Unified Family Services, LLC – QA
Sprague, Justin

Mr. Sprague failed to appear for his scheduled appointment with the Board, to review his application to become the Qualifying Agent for Unified Family Services, LLC. Mr. Ormond reminded the Board that the current Qualifying Agent Mr. Brent Dietrich will continue acting as the Qualifying Agent until Mr. Sprague passes the “Utah Security Personnel Qualifying Agent” exam, and is approved by the Board.

The Board determined to table this issue until Mr. Sprague appears.

Mr. Mark Alleman, owner of Unified Family Services, LLC, later contacted the Division and explained that Mr. Sprague is still unable to pass the appropriate exam. He further requested to withdraw Mr. Sprague’s application for approval as the Qualifying Agent at this time, his request was later granted.

2:45 p.m. Wackenhut Services Inc – QA
Brede, Richard

Mr. Brede appeared for his scheduled appointment with the Board, and explained that he has passed the “Utah Security Personnel Qualifying Agent” exam. He questioned the Board regarding if it was acceptable to be approved as the interim Qualifying Agent for this company, when Wackenhut Services Inc begins working within this State a different individual will apply as the Qualifying Agent.

Mr. Ormond reminded the Board that there is currently no requirement that there only be one Qualifying Agent for a company. The Board expressed their concern that, in the case of an emergency Mr. Brede

may not be able to meet all requirements as the Qualifying Agent and a full time Peace Officer.

Mr. Rose seconded by Mr. Rothe made a motion to deny Mr. Brede's application for approval as the Qualifying Agent for Wackenhut Services Inc, based on Mr. Brede's conflict of interest as a Peace Officer, the motion carried, with Mr. Conner abstaining.

3:00 p.m. NMS Security Services LLC – QA
Udland, Duane

Mr. Udland failed to appear for his scheduled appointment with the Board. Mr. Ormond reviewed NMS Security Services, LLC's application for licensure as a Contract Security Company. It was explained that Mr. Udland meets all requirements for approval.

After a detailed discussion Mr. Rose seconded by Mr. Conner made a motion to issue NMS Security Services LLC a license as a Contract Security Company with Mr. Udland as the Qualifying Agent, contingent upon clear criminal history, the motion carried unanimously.

3:15 p.m. Zylks, Bryon

Mr. Zylks appeared for his scheduled appointment with the Board, to review his application for licensure as an Unarmed Private Security Officer, as it relates to his 2002 surrender of Armed Private Security Officer License.

Mr. Ormond explained that Mr. Zylks had failed to answer appropriately to all Qualifying Questionnaire questions, and that all charges related to the 2002 surrender of license have now been expunged.

Mr. Zylks was very evasive and uncooperative during his interview regarding his 2002 surrender of licensure. Mr. Conner seconded by Mr. Rose made a motion to deny Mr. Zylks application for licensure, based on the falsification of his application, the motion carried unanimously.

3:30 p.m. Jones, Zachery

Mr. Jones appeared for his scheduled appointment with the Board, to review his application for licensure as an Unarmed Private Security Officer, as it relates to his July 5, 2008, Criminal Mischief, class B misdemeanor charge, which is currently being held in abeyance for a period of twelve months.

After a detailed discussion the Board was concern due to the length of time since the charge occurred.

Mr. Rose seconded by Mr. Rothe made a motion to issue a probationary license to Mr. Jones for a period of two years, he must meet with the Board and submit employer reports on a quarterly basis, must work between sixteen and forty-eight hours per week under general supervision, the motion carried unanimously.

DISCUSSION ITEMS:

On – the – Job Training Form Issuance

The Board determined, due to the need for an in-depth conversation regarding this issue, to Review the issues, and then table until next meeting for further discussion.

Mr. Ormond had compiled a list of areas where the Division felt this profession may be lacking in professionalism, or stricter requirements may be needed, including:

- Private Security Officer Examination
- Instructor Accountability
- 24 hour Training Program
- OJT (On-the-Job Training) program
- Training Requirements
- Armed Officers required to hold Concealed Weapons Permits

Mr. Ormond reviewed a letter submitted by Mr. Anderton, of PACSCO, which indicated that:

- The profession is confused with the current procedure regarding the sixteen hour training program. (i.e. training is required in sixty days, and the Temporary License is good for ninety days).
- The profession is not in support of requiring all 24 (twenty four) hours of basic training to be completed prior to licensure.
- Suggested requiring eight hours of training per year.
- Agreed that trainers must be accountable to the Association.

Mr. Ormond then explained that the Division is unsure how trainers are being held accountable for the

training they are giving, adding that some trainers are allowing the additional sixteen hours to be completed all On-the-Job.

Mr. Ormond then suggested:

- Trainers need to be a supervisor with a company for three years prior to becoming the trainer.
- Give full twenty-four hours up front; companies are charging \$150 for training then refusing to give proof to the licensee.
- Eliminate OJT program – for licensees who utilize the Division’s fingerprinting machine.
- Twenty-four hour training should be in classroom, not OJT.
- Continuing Education course should be better regulated.

License Plate Questions

The Division has become aware of a new Division of Motor Vehicle, license plate, which pictures a “Utah Highway Patrol” star, with the wording “Honoring Heroes Foundation” Mr. Ormond questioned if a Contract Security Company utilized this plate, on their cars, would it be a violation of R156-63a-502 (2) (6).

The Board did not feel that the use of this license plate violated R156-63a-502 (2) (6). After a brief discussion Mr. Rothe seconded by Mr. Conner made a motion to allow a Contract Security Company to utilize the license plate, the motion carried unanimously.

Qualifying Agent Replacement – Procedure

A standardized “Notice of Disassociation or Qualifier Resignation” form was reviewed by the Board. Mr. Ormond explained that the Division is amending R156-46b, the Administrative Procedures Act Rule. The amendment will cause the revocation of a license for failure to comply with the sixty day “Replacement of Qualifying Agent” to be an informal proceeding.

Legislative Bill

Mr. Ormond explained that House Bill 357 restricts who may carry a concealed weapon. Mr. Ormond has contacted the Legislative Research Committee, to insure that the wording does not conflict with this profession.

The Board was also updated regarding Senate Bill 26, which if passed will require that all Board Meeting

recordings be available to the public with in three days, and all Meeting Minutes be available with in one week.

Mr. Ormond then explained that due to budgetary constraints more Board Meetings may be conducted electronically in the future.

ADJOURN:

5:14 p.m.

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.

April 9, 2009
Date Approved

(ss) John McCoy
Chairperson, Security Services Licensing Board

April 15, 2009
Date Approved

(ss) Clyde Ormond
Bureau Manager, Division of Occupational &
Professional Licensing
