

**MINUTES**

**UTAH  
Security Services Licensing Board  
MEETING**

**April 9, 2009**

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

**CONVENED:** 9:02 a.m.

**ADJOURNED:** 3:30 p.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

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

**Board Members Absent:**

**Guests:**

Robert Anderton - PACSCo (Professional Alliance of  
Contract Security Companies)  
Jairus Duncan – Garda CL West  
Michael Paul Adams – SOS  
Mark Mortensen  
Spencer Wagner  
Daniel E Burton  
Somer Hansen  
Jon Thurman  
Sabrina Bee  
Alic Adams

**DOPL Staff Present:**

Ronda Trujillo - Compliance Assistant  
Lloyd Hansen – Investigations

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Approve Minutes from the February 12, 2009 Board Meeting.

Mr. Rothe seconded by Mr. Conner made a motion to approve the February 12, 2009 Board Meeting minutes, the motion carried unanimously.

**HEARINGS:**

9:00 a.m. Hansen, Gary

Mr. Hansen failed to appear for his scheduled Order to Show Cause Hearing.

9:00 a.m. Palomin, Londo

This hearing was inappropriately scheduled. Mr. Palomin's Hearing is scheduled for 9:00 a.m. on June 11, 2009.

10:00 a.m. Viliamu, Onolina

Ms. Viliamu failed to appear for her scheduled Order to Show Cause Hearing.

10:00 a.m. Luerssen, Robert

New information regarding this case was found by the Division, this Hearing was postponed.

11:00 a.m. Nahley, Christopher

Mr. Nahley failed to appear for his scheduled Order to Show Cause Hearing.

11:00 a.m. Henry, Michael

Conducted by Judge Eklund.

**APPOINTMENTS:**

2:00 p.m. Compliance

Ms. Trujillo explained that Mr. Wagner has met with her and understands all aspects of his MOU.

Ms. Trujillo explained that Mr. Mortensen has met with her and understands all aspects of his Stipulation and Order. She then added that twice a year, Mr. Mortensen must submit a report from his Psychiatrist identifying the nature and duration of Mr. Mortensen's treatment, medications prescribed, and response to said medications.

Ms. Trujillo explained that Ms. Hansen has met with her and understands all aspects of her MOU.

2:15 p.m. Wagner, Spencer

Mr. Wagner appeared for his first probationary appointment with the Board. Mr. Ormond explained that at the December 11, 2008 Board Meeting, Mr. Wagner's application for licensure as an Armed Private Security Officer was denied. The denial was later remanded back to the Division, as Mr. Wagner had expunged his charge. Mr. Wagner was then placed on 2 years probation.

Mr. Wagner explained that he has been unable to obtain employment due to his probationary status. After a brief discussion, Mr. Connor seconded by Mr. Rose made a motion requiring Mr. Wagner to meet with the Board again on June 11, 2009, and to extend his Employer Report requirement to six months after he begins working in this profession. Mr. Merchant expressed his concern, with this motion, explaining that requiring Mr. Wagner to meet with the Board is a waste of the Board and Mr. Wagner's time, the motion was withdrawn.

Mr. Merchant seconded by Mr. Rothe made a motion to require Mr. Wagner to continue submitting his Employer Reports as required by his MOU (Memorandum of Understanding), and upon obtaining employment he must, at that time begin meeting with the Board, the motion passed with Mr. Rose voting nay.

Mr. Wagner then requested for his unemployment time to count toward his two year probation. After a brief discussion it was determined that Mr. Wagner's MOU does not allow for a reduction in time while not working in this profession, Mr. Wagner's request was denied.

2:30 p.m. Zylks, Bryon

Mr. Zylks contacted the Division prior to his appointment, he explained that he will be moving out of this State, and wished to surrender his license as an Unarmed Private Security Officer.

2:45 p.m. Mortensen, Mark

Mr. Mortensen appeared for his first probationary appointment with the Board, and submitted his required psychiatric report.

The Board interviewed Mr. Mortensen to insure he understood all requirements of his Recommended Order. Mr. Rose seconded by Mr. Rothe made a motion to require Mr. Mortensen to meet again with this Board on June 11, 2009, due to his compliant status, the motion carried unanimously.

3:00 p.m. Hansen, Somer

Ms. Hansen appeared for her first probationary interview with the Board. Mr. Conner explained that she had been placed on a two year probation, due to her; June 6, 2006, Unlawful Possession of Alcohol,

and November 11, 2008, Driving under the Influence of Alcohol, convictions.

Ms. Hansen then explained that she works full-time for CBI (Confidential Background Investigations). She then further explained that she anticipates being released from the court probation on her November 11, 2008 charge, in June 2009.

Based on Ms. Hansen's compliance with her MOU, Mr. Merchant seconded by Mr. Merrell made a motion to require Ms. Hansen to meet again with this Board on June 11, 2009, the motion carried unanimously.

3:15 p.m. Executive Investigations LLC – QA  
Burton, Daniel

Mr. Burton appeared for his scheduled appointment with the Board to review his application for licensure as a Contract Security Company, with himself as the Qualifying Agent.

Mr. Merrell reviewed Mr. Burton's qualifications for approval, explaining that Mr. Burton has over 6000 hours of qualifying experience, and has passed the Utah Security Officer Qualifying Agent Examination. Mr. Merrell then added that all requirements for licensure as a Contract Security Company and approval of Mr. Burton as the Qualifying Agent have been met.

Mr. Burton explained that he will be doing Security consulting, fixed and mobile post, and dignitary protection. He further understands all Statutes and Rules for this profession.

Mr. Rothe seconded by Mr. Conner made a motion to approve Mr. Burton as the Qualifying Agent for Executive Investigations LLC, contingent upon clear criminal history, the motion carried unanimously.

## **BUSINESS FROM PREVIOUS MEETING:**

Training Program Review

### **Qualifying Agent Examinations:**

Mr. Ormond explained that currently individuals taking the Utah Contract Security Qualifying Agent Examination are doing well with the Law portions of the exam. He then added that a weakness report from PSI indicates that most applicants are weak in the following areas:

- Personnel Hiring and Retention;

- Risk Analysis;
- Security Business Management;
- Security Officer Legal Issues;
- Supervision of Security Officers; and
- Workplace Security.

Mr. Ormond stated this was surprising since the individuals taking the examination have a minimum of 6,000 hours of experience as Managers, Officers or Owners of Security Companies.

**Training Program Review:**

Mr. Ormond explained that the Division has received several responses from the industry regarding the current training program. Some suggestions were:

1. Minimize confusion in the profession regarding the Thirty (30) day OJT, Sixty days to complete the Sixteen (16) hours of additional training, and the Ninety (90) day Temporary License;
2. Rewrite the eight and sixteen hour training programs, to ensure topics are not duplicated; and
3. Most are not in favor of requiring twenty-four hours of pre-hire training.

**Examinations given by Community**

**Colleges/Private entities:**

A representative of BATC (Bridgerland Applied Technology College) has expressed an interest in offering training to licensees. If this suggestion is implemented:

It would give better accountability of the training program, and examination; and

Gives a licensee the ability to obtain qualified Continuing Education.

The Board was concerned with how this suggestion would be funded. And Mr. Rothe suggested contacting Community Colleges to determine if other programs could be implemented.

**Instructor accountability:**

Mr. Ormond suggested reviewing our current trainer requirements to ensure that only qualified trainers are utilized. Mr. Ormond then added that Contract Security Companies do not trust each other to appropriately train licensees, and are retraining the program for each individual hired.

**Twenty-four hours of pre-hire training:**

It was explained that some companies are giving the full Twenty-four hours of training pre-hire. If this became a requirement the Division feels that there will be:

Fewer Denials, due to Contract Security Companies giving the training then not submitting to the Division;  
Lower Division cost; and  
Better verifies the OJT (On-the-Job Training) program.

There is strong opposition to this suggestion due to the increased cost to the Contract Security Companies, and the large turn over rate.

**Elimination of OJT Program:**

Mr. Ormond explained that if all fingerprints were rolled by the Division, and the full twenty-four hour training was completed prior to an application being submitted, the Division could eliminate the OJT program. Which would:  
Reduce Division workload, cost, and denials; and  
Allow the licensee to obtain a license within one week.

**Rewrite Training Requirements:**

To cover different topics in each module of the programs. The current requirements reflect the same topics, in each module.

**State Offer Continuing Education Courses/Academy:**

The Division has determined that if this suggestion was implemented, it would:  
Increase cost to the Division, Licensee, and Contract Security Companies; and  
Increase the workload of the Division.

**Armed Officers required to hold Concealed Weapons Permit:**

It was suggested to require all Armed Officers to hold a concealed weapons permit. By implementing this suggestion:

BCI (Bureau of Criminal Identification) would check Criminal History on a daily basis;  
Reduce Division workload at the time of renewal;  
Immediately notify the Division if the Armed Officer has been charged with a crime; and  
May increase cost to the Division.

This issue was extensively discussed. It was determined that it is the licensee's responsibility to report to the employer, and the employer's responsibility to report to the Division. If this procedure is not appropriately followed, the licensee should be held accountable, and action should be taken against the licensee's license. Mr. Anderton agreed with this suggestion, adding that a Contract Security Companies are usually aware if an issue arises.

The majority of the Board is concerned that the current training procedure, program, and trainers are insufficient to protect the public. The Profession is concerned with the cost involved to increase the requirements of the training procedure, program, and trainers.

Mr. McCoy explained that all licensees should be appropriately trained to ensure that on the licensees first day without supervision, they can handle any situation. Mr. Rose and Mr. Conner agreed adding that Contract Security should be the "Front Line" for Police Officers, and that there needs to be a bridge between Law Enforcement and Contract Security.

**Additional Suggestions:**

- Division should train the trainers, similar to the current CPR (Cardiopulmonary Resuscitation) program.
- Place the examination On-Line, similar to Police Officer Continuing Education courses.
- Amend R156-63a-603 to require twenty-four (24) hours of training, in specific topics, without specifying hour limits, and only requiring the passing of one examination.
- Combine Contract and Proprietary Security under one licensing Act.

It was then determined to review the following topics for further discussion to the June 11, 2009 Board Meeting:

1. How to ensure Instructor accountability;
2. Review Training requirements, to ensure appropriate training is being given; and
3. Examination requirements and procedures.

Mr. Duncan, Qualifying Agent for Garda CL Northwest, questioned the Board regarding if it would be considered to be a conflict of interest to be the Qualifying Agent for both Garda CL West and Garda CL Northwest. He then explained that both are Armored Car Companies; however Garda CL West is based in St. George, while Garda CL Northwest is based in Salt Lake City. He then reminded the Board that in the past the Board has approved this type of organization.

Mr. McCoy explained that due to this issue not being on the agenda, that no final decision could be made, however he suggested for Mr. Ormond to review this issue and report his findings to the Board, at the June 11, 2009 meeting.

**CORRESPONDENCE:**

IASIR Regulator – Winter 2009

Reviewed with no further action taken.

2009 Legislative update

Mr. Ormond explained that due to changes to the Open and Public Meetings Act, at the next meeting on June 11, 2009 there will be a new procedure, regarding the approval of Board Meeting Minutes.

**ADJOURN:**

3:30 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 27, 2009

(ss) Johnny McCoy

Date Approved

Chairperson, Security Services Licensing Board

April 27, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing