

MINUTES

**UTAH
Security Services Licensing Board
MEETING**

August 13, 2009

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

CONVENED: 9:02 a.m.

ADJOURNED: 3:00 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Chief Johnny McCoy - Chairperson
Sheriff Jeff Merrell
Alan Conner
Perry Rose

Board Members Absent:

Clayton Merchant

Guests:

Robert Anderton - PACSCo (Professional Alliance of
Contract Security Companies)
Robert Matt Perry - Frontline Protective Services LLC
Wang Chan Boon - Frontline Protective Services LLC
Michael Strange - Garda CL Northwest
Jairus Duncan - Garda CL Northwest
Russell Shinrock - Securitas Security
William Sandoval - Pride Security
Jeremy Lee - Allied Barton
Mark Mortensen
Spencer Wagner
Charles Hinson
Somer Hansen
Brian Grob

DOPL Staff Present:

Mark B. Steinagel - Division Director
Ronda Trujillo - Compliance Assistant
Kent Barnes - Compliance Supervisor

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of June 11, 2009 Board Meeting Minutes

Mr. Rose seconded by Mr. Conner made a motion to approve the Minutes from the June 11, 2009 Board Meeting. The motion carried unanimously.

Election of 2010 Board Chairperson

Mr. Steinagle then introduced himself to the Board.

Mr. Rose seconded by Mr. Conner made a motion to re-elect Chief Johnny McCoy as the Fiscal Year 2010 Board Chairperson. The motion carried unanimously.

APPOINTMENTS:

9:00 a.m. Compliance

Ms. Trujillo explained that:

Mr. Johnson is currently compliant with his MOU (Memorandum of Understanding), and had notified the Division in April 2009 that he was terminated from Wasatch Security LLC, due to his inability to work overtime. Ms. Trujillo contacted Lt. Rogers, Mr. Johnson's direct supervisor, and obtained a positive final Employer Report, which indicated that Mr. Johnson had not been terminated, but had left their employment of his own choosing.

Mr. Grob is currently compliant with his MOU, however his Employer Reports are coming from several different supervisors. One of which has failed to indicate, that he has read and understands the MOU. Ms. Trujillo then reminded the Board that at the last meeting on June 11, 2009 Mr. Grob was non-compliant due to his failure to supply his Employer Reports and appear before the Board as required by his MOU. Mr. Rose commented that all probationers should be held accountable for all requirements of their probations; Chief McCoy agreed adding that Mr. Grob should be required to submit his Employer Reports on a monthly basis until he can prove that he is in full compliance with his MOU.

Mr. Mortensen is currently non-compliant with his Stipulation and Order due to his failure to supply his Employer Reports as required, it was explained that Mr. Mortensen had failed to submit his July 2009 Employer Report until August 2009. Ms. Trujillo also explained that she hoped that this could be a "wake up call" to Mr. Mortensen.

Ms. Hansen is non-compliant with her MOU due to her failure to call CVI (CompusVision) on a daily basis as required by her MOU. Ms. Trujillo clarified that Ms. Hansen had failed to call CVI on four different occasions in July 2009, it was then added that CVI is in the process of changing their phone system and there may be additional missed calls. Also Ms. Hansen was tested in June 2009, the results were negative. Additionally the Board was reminded that Ms. Hansen had indicated at the June 11, 2009 meeting that she may be being released from her court probation, no

documentation has been received by the Division regarding this issue.

Ms. Bee is currently non-compliant with her MOU due to her failure to sign up with CVI as required in her MOU. The Board was reminded that they had required Ms. Bee to attend this meeting with proof of signing up with CVI. Ms. Trujillo then questioned the Board regarding initiating an "Order to Show Cause" investigation in this case.

Mr. Wagner is currently non-compliant with his MOU due to his failure to supply his Employer Reports as required by his MOU. Initially it was explained that Mr. Wagner had failed to supply the reports in May, June, July, and August of 2009, it was later determined that only the July report was required to be submitted. Ms. Trujillo also questioned the Board regarding initiating an "Order to Show Cause" investigation in this case.

9:15 a.m. Johnson, Derick

Mr. Johnson failed to appear for his scheduled probationary appointment with the Board. Mr. Rose recommended for a non-compliance letter be sent to Mr. Johnson requiring him to meet at the October 8, 2009 meeting, due to his failure to appear at this meeting.

It was later determined that Mr. Johnson was unable to attend this meeting due to a lack of transportation. Mr. Johnson is non-compliant with his MOU and will be required to attend the October 8, 2009 meeting with proof of his employment status.

9:30 a.m. Grob, Brian

Mr. Grob appeared for his scheduled probationary appointment with the Board. Mr. Rose questioned him regarding who his direct supervisor was and why Mr. Blake Johnson has not indicated that he has read Mr. Grob's MOU. Mr. Grob commented that he will discuss the issue with Mr. Johnson. Mr. Rose further reminded Mr. Grob that he is required to insure that all requirements of his MOU are being met, Mr. Grob agreed.

Mr. Grob is in compliance with his MOU, and will next meet with this Board on December 10, 2009 at 9:30 a.m.

9:45 a.m. Mortensen, Mark

Mr. Mortensen appeared for his scheduled probationary appointment with the Board. Mr. Rose explained to Mr. Mortensen that he is currently non-compliant with his MOU, due to his failure to submit his employer reports as required. Mr. Rose reminded Mr. Mortensen that he needs to insure that all requirements of his MOU are completed as required, Mr. Mortensen understood.

Mr. Mortensen is in compliance with his MOU, and will meet again with this Board on October 8, 2009 at 9:45 a.m. Mr. Mortensen was also reminded that his next employer report is due on October 1, 2009, Mr. Mortensen stated he understood.

10:00 a.m. Hansen, Somer

Ms. Hansen appeared for her scheduled probationary appointment with the Board. Mr. Conner questioned her regarding if she has been released from her Court probation. Ms. Hansen explained that she had been placed on unsupervised probation by the Court, until December 2009. Mr. Conner then explained that Division records indicate that she failed to call CVI four times in July 2009, as required in her MOU. Ms. Trujillo reminded Ms. Hansen that she must call CVI on a daily basis, and that if she misses a test due to her failure to call, the Division treats it as a positive test.

Ms. Hansen then explained that she is attempting to obtain employment in a different profession; Ms. Hansen's options were explained to her.

It was then determined, that Ms. Hansen is in compliance with her MOU, and she will keep Ms. Trujillo informed of her employment status, and she will next meet with this Board on October 8, 2009 at 9:30 a.m.

10:15 a.m. Bee, Sabrina

Ms. Bee failed to appear for her scheduled probationary appointment with the Board.

Ms. Bee is non-compliant with her MOU due to her failure to meet with the Board, and sign up with CVI as required by her MOU.

Sheriff Merrell seconded by Mr. Conner made a motion to initiate an "Order to Show Cause" investigation. The motion carried unanimously.

10:30 a.m. Wagner, Spencer

Mr. Wagner failed to appear for his scheduled probationary appointment with the Board.

Mr. Conner seconded by Mr. Rose made a motion to initiate an "Order to Show Cause" investigation, due to Mr. Wagner's failure to supply his Employer Reports, and meet with the Board as required by his MOU. The motion carried unanimously.

Mr. Wagner then appeared for his probationary appointment with the Board. It was explained, to Mr. Wagner, that due to not being employed within this profession he is required to submit Employer Report on a quarterly basis. However, he failed to supply his July 2009

Employer Report as required by his MOU. Mr. Wagner explained that due to his attempts to surrender this license he did not realize that he must still comply with the requirements of his MOU.

Mr. Wagner then explained that after reviewing the Laws, Rules and Application for this profession, he had determined to surrender his license. Additionally he felt that since the charge is now expunged there would be no repercussions, and the charge could not be used against him at reapplication.

Chief McCoy strongly advised Mr. Wagner to contact the Division regarding interpretation of his MOU, Mr. Wagner understood. It was then explained that at the April 9, 2009 Board Meeting it was determined that Mr. Wagner is not required to meet with the Board, unless he becomes employed in this profession, or if he is non-compliant with his MOU.

Mr. Conner seconded by Mr. Rose made a motion to resend the previous motion to initiate an "Order to Show Cause" investigation. The motion carried unanimously.

After a detailed discussion it was determined that contingent upon Mr. Wagner submitting his Employer Report, he is in compliance with his MOU, and to table any additional discussion until the October 8, 2009 meeting, in order for the Division to complete any pending investigation regarding Mr. Wagner's license.

Mr. Wagner then questioned the Board regarding what action he needs to take if he is unable to attend a meeting with this Board. The Board and Division informed him that he must first contact Ms. Trujillo prior to leaving this State, and when he returns he must submit documentation of the reason for him being unable to attend. (i.e. Dr's. note, or airline tickets).

Mr. Wagner completed and submitted his Employer Report prior to leaving the Division.

11:00 a.m. Staley, David

Ms. Adams explained that Mr. Staley was concerned with the current "Certification of Completion of Firearms Instruction" form, due to the form not reflecting a passing score on the classroom section of the firearms training. The Division questioned the Board if the form should be amended to reflect the score even though R156-63a and 63b-604 only requires a passing score on a recognized practical pistol course.

After a brief discussion it was determined to amend the

form to include the classroom section score. However, failure to supply a score is not a reason for denial of licensure.

1:00 p.m. Frontline Protective Services LLC – Mr. Perry and Mr. Chan Boon appeared for their scheduled appointment with the Board, to review Mr. Perry’s experience and qualifications for approval as the Qualifying Agent for Frontline Protective Services LLC.
Perry, Robert QA

Mr. Perry expressed his wish to bring a more professional aspect to this profession, by increasing the training required.

After a detailed discussion Mr. Rose seconded by Sheriff Merrell made a motion to approve Mr. Perry as the Qualifying Agent for Frontline Protective Services LLC. The motion carried unanimously.

The “Utah Security Personnel Qualifying Agent Exam” was also discussed. Mr. Perry felt that the exam did not reflect the practices and policies of this profession. He explained that more up to date texts may be helpful to narrow the differences between real life situations/training and what the texts reflect.

BUSINESS FROM PREVIOUS MEETING:

Training Program Review

1) Current Basic/Additional Training Program topics;

Mr. Ormond explained that at the July 16, 2009 Security Services Education Advisory Committee, Mr. Anderton had submitted a recommendation to amend the current Basic/Additional training program requirements. The recommendation included amending:

R156-63a-603 (1) to include eight hours of Basic Training in:

- Communication
- Criminal/Civil Liability
- De-Escalation of Force
- Employer Liability
- Employer Policies
- Ethics
- Fire Prevention
- Law Enforcement Liaison
- Legal Aspects of Security
- Legal Limits of Authority
- Nature & Role of Security
- Patrol & Patrol Techniques
- Sexual Harassment, and
- Utah State Laws & Rules

R156-63a-603 (2) to include eight hours of Additional Training in:

Bomb Threats
Customer Service/Public Relations
Emergency Procedures
Fire Prevention
Hazardous Materials
Homeland Security Principles
Post Orders
Report Writing
Security Officer Safety
Situational Responses, and
Use of Force

And the remaining eight hours of Additional Training required under R156-63a-603 (2) to include elective courses in:

Apprehension & Detention
Blood Borne Pathogens
Conducting Lawful Searches
Conflict Resolution
First Aid/CPR/AED
Crisis Management
Crowd Control
Investigations
Labor Relations
Life Safety
Patrol & Patrol Techniques
Physical Security
Protecting Information
Search & Seizure
Traffic/Parking Lot
Workplace Violence

Mr. Ormond then explained that the Division is concerned with Mr. Anderton's proposal, due to all officers would not be equally trained. The Board was then reminded that prior to the addition of the "Additional 16 hours of training" the Committee and Board agreed that all officers should be equally trained to ensure minimum standards in this profession.

2) Change in entity who administers exams;

This issue will further be discussed at the September 10, 2009 meeting.

3) Accountability of the Trainers;

This issue will further be discussed at the September 10, 2009 meeting.

4) A rules amendment to require the full 24 hours of training as pre-hire;

A discussion ensued regarding:

1) Requiring the full 24 hours of training to be completed prior to licensure. All Companies present acknowledged that all of their Security Officers may work only under supervision for a minimum of the first 24 hours duty.

2) Reducing the time frame for completion of the "Additional 16 hours of Training". The Board was reminded, to concenter the financial impact of implementing this recommendation.

3) Requiring 16 hours of training prior to licensure, and the remaining hours may be completed as On-the-Job training.

This issue was then tabled for further discussion at the September 10, 2009 meeting.

5) Elimination of the OJT (On-the-Job Training) Program;

This issue will further be discussed at the September 10, 2009 meeting.

6) State begin offering Continuing Education hours courses;

This issue will further be discussed at the September 10, 2009 meeting.

7) State offers training for Trainers;

Better enforcement of the Training Programs was suggested.

This issue was then tabled for further discussion at the September 10, 2009 meeting.

8) Requiring all Armed Officers to hold a Concealed Weapons Permit;

The Division had previously suggested requiring all Armed and Armored Officers to hold a Concealed Weapons Permit, as a requirement for licensure.

During a discussion it was determined that requiring a Concealed Weapons Permit, may not meet the Division and Boards needs, at this time. However, in accordance with R156-63a and 63b-612 if a Security Officer fails to notify

the Division of being “arrested, charged or indicated for a criminal offence ...with in 72 hours...” the Division will take appropriate action against the license at the time of renewal or reinstatement of the licensure. The Board agreed.

Due to the lack of the professions presence at this meeting it was determined to table any further discussion until September 10, 2009. Mr. Anderton will notify the profession regarding the additional meeting.

Garda CL Training Program – Final Approval

Mr. Ormond explained that at the May 7, 2009 Security Education Advisory Committee meeting, the Committee had reviewed Garda CL’s Armored Car Training Program. The Committee had recommended approval contingent upon their recommended changes being implemented.

Due to a lack of a quorum at the June 11, 2009 Board meeting this issue was tabled.

Mr. Conner seconded by Sheriff Merrell made a motion to approve Garda CL’s Armored Car Training Program. The motion carried unanimously.

DISCUSSION ITEMS:

Simulator Firearms Training – Charles Hinson

Mr. Hinson appeared for his scheduled appointment with the Board to review his request to use “Simulator Firearms Training” as part of the requirements under R156-63a and 63b-304 (3) (b), the Armed and Armored Car Continuing Education requirements.

Mr. Ormond explained that at the July 16, 2009 Security Services Education Committee Meeting, Mr. Hinson demonstrated his program. The Committee had recommended approval of the training, contingent upon the training only being used for one six-month period of training per calendar year.

After a detailed discussion Mr. Rose seconded by Mr. Conner made a motion to deny Mr. Hinson’s request, due the Board’s belief that this training does not re-qualify a licensee to use a firearm, however they approved the training as meeting the requirements of R156-63a and 63b 304 (3)(a). The motion carried unanimously.

CORRESPONDENCE:

Executive Order – Ethics

Reviewed, with no further action taken.

Reviewed, with no further action taken.

ADJOURN:

3:00 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.

9/10/09

(ss) Johnny McCoy

Date Approved

Chairperson, Security Services Licensing Board

9/10/09

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional
Licensing