

**MINUTES**

**UTAH  
Security Services Licensing Board  
MEETING**

**October 8, 2009**

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

**CONVENED:** 9:04 a.m.

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

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Chief Johnny McCoy - Chairperson  
Sheriff Jeff Merrell  
Clayton Merchant  
John Tinsley  
Alan Conner  
Perry Rose

**Board Members Absent:**

**Guests:**

Robert Anderton - PACSCo (Professional Alliance of  
Contract Security Companies)  
W. Clark Aposhian – Justice Education Security  
Jeff Paulsen – Justice Education Security  
Jairus Duncan – Garda CL Northwest  
Rachel Rees – Garda CL West  
Shatiece Somerville Warner  
Keven D Brockbank  
Mark Mortensen  
William Ferran  
Jacob Easter  
Jim Young

**DOPL Staff Present:**

Mark Steinagel – Division Director  
Wayne Holman – Chief Investigator  
Rhonda Trujillo – Compliance  
Galen Kester – Investigator

## **TOPICS FOR DISCUSSION**

### **ADMINISTRATIVE BUSINESS:**

Welcome of new Board Member Mr. John Tinsley

Approval of the September 10, 2009 Board Meeting Minutes

### **APPOINTMENTS:**

9:15 a.m. Operating Standards of Security Vehicles – R156-63a-610

## **DECISIONS AND RECOMMENDATIONS**

Ms. Adams issued the “Oath of Office” to Mr. Tinsley, and welcomed him to the Board.

Mr. Rose seconded by Mr. Merchant made a motion to approve the September 10, 2009 Board Meeting Minutes. The motion carried unanimously.

Mr. McCoy explained, on September 15, 2009 representatives from the Division, the profession, and Commissioner Davenport of the Department of Public Safety met with Senator Dayton regarding the Operating Standards of Security Vehicles. During the meeting a detailed discussion ensued regarding the use of “Light Bars” on Security Services vehicles.

Mr. Steinagel explained a letter was sent out to all Contract Security Companies regarding the usage of “Light Bars”. He clarified that the intention of the letter was to remind the profession to remain in compliance with R156-63a-610. Regrettably, representatives of the profession misunderstood the Divisions intentions, to mean that the Division was citing all Companies who utilized “Light Bars”.

In an attempt to resolve any misunderstandings. Mr. Steinagle requested that the Board review the requirements of R156-63a-610, to ensure that the wording appropriately defines the professions definition of the “Operation Standards – Vehicles”.

A detailed discussion ensued regarding “Proposed Rules” wording, the following recommendations were proposed:

- Strike “imply” from the Rule wording.
- “Amber” and “White” lights should be the only color lights utilized, for cautionary purposes only.
- Define Private and Public Property.
- Add while on duty while in the scope of your duties.

- o Restrict the usage of “Badge” decals on vehicles.

The Board expressed their concerned that the proposed Rule not restrict a Security Company from using “Light Bars” at Law Enforcements request.

It was questioned who should be held responsible if a Security Officer utilizes the “Light Bar” inappropriately. It was determined that both the Security Officer and the Company could be held accountable.

Mr. Conner seconded by Mr. Merrell made a motion to request Mr. Tinsley to write the proposed language and present to the Board at the December 10, 2009 Board Meeting. The motion carried unanimously.

10:15 a.m. Training Program - Review

Mr. McCoy expressed his opposition to a negative email which was received by the Division on September 20, 2009. He further indicated that the efforts of this Board, Profession, and Law Enforcement will ensure the safety of this profession and the public.

Mr. Rose then explained that the new Sub-Committee should be meeting soon, to determine:

- 1) The total number of hours needed prior to Licensure;
- 2) What changes need to be made, to ensure all Security Officers are given the appropriate training;
- 3) If the training program will be instructed by:
  - a) The Contract Security Companies;
  - b) An Academy; and
  - c) Or a State approved Trainer.

Mr. Rose then added that he has received extensive comments regarding this issue, some comments included:

- 1) Eight (8) hours of training is not enough to ensure the safety of the Public and the Security Officer;
- 2) Training hours should not be limited to Twenty-Four (24) hours.
- 3) Adding additional training topics to the current Sixteen (16) hour program.

- 4) Establishing a “Train the Trainer” program, which could be required prior to becoming a trainer.
- 5) Re-writing the entire program, to meet current needs of the profession, and public.

Mr. Rose hopes that the changes will help the Association enforce their Training Program, and make investigations easier for the Division.

Once the program has been approved by the Sub-Committee it will be taken to the Security Services Education Advisory Committee for their approval.

12:15 p.m. Compliance

Ms. Trujillo explained:

Derick Johnson is compliant with his MOU (Memorandum of Understanding). Ms. Trujillo added that Mr. Johnson was scheduled to be released from his probation on September 20, 2009. However, due to his failure to appear at his last meeting on August 13, 2009, he was required to appear at this meeting. Prior to this meeting Mr. Ormond spoke with Mr. Johnson and requested that he submit a letter requesting his release from probation.

Shatiece Somerville Werner is compliant with her MOU. A positive “Employer Report” was submitted from her direct supervisor. Ms. Trujillo explained that Ms. Warner will be submitting a letter requesting an early release from her probation due to her new employment as a “Federal Police Officer”.

The Board was concerned with this request due to Ms. Warner having not completed a full year of her two year probation. Additionally they were concerned that Ms. Warner may be unable to obtain licensure, in this profession, in the future.

Mark Mortensen is compliant with his Stipulation and Order. Ms. Trujillo then explained that Mr. Mortensen’s “Therapist/Counselor Report” was submitted; however it is difficult to read.

12:30 p.m. Johnson, Derick

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

Mr. Merrell seconded by Mr. Rose made a motion to release Mr. Johnson from his probation, due to his probationary time frame having ended on September 20, 2009, and contingent upon submittal of a letter requesting release, and indicating that he is not working in this profession. The motion carried unanimously.

12:45 p.m. Somerville Warner, Shatiece

Ms. Warner appeared for her scheduled appointment with the Board.

Ms. Warner submitted a letter requesting an early release from her probation. The letter explained that she has learned from this experience, and clarified that she no longer needs this license due to her new employment as a "Federal Police Officer" with the Air Force. She then added that she does not qualify as "Military Police", even though she has the same duties.

After a detailed discussion Mr. Merchant seconded by Mr. Tinsley made a motion to release Ms. Warner from her probation contingent up her immediate surrender of her license, and that she does not reapply for a period of two years. The motion carried unanimously.

1:00 p.m. Mortensen, Mark

Mr. Mortensen appeared for his scheduled appointment with the Board.

1:16 p.m. - Mr. Rose seconded by Mr. Merchant made a motion to close this meeting, due to a discussion regarding Mr. Mortensen's "Therapist/Counselor Report". The motion carried unanimously.

1:47 - Mr. Conner seconded by Mr. Tinsley made a motion to reopen this meeting. The motion carried unanimously.

Mr. Rose explained that Mr. Mortensen's "Therapist/Counselor Report" was difficult to understand. And during the review of the document additional questions have arisen regarding the report.

Mr. Rose seconded by Mr. Merrell made a motion to obtain additional information from Mr. Mortensen's Dr. and address Mortensen's compliance at the

December 10, 2009 Board Meeting. The motion carried unanimously.

1:30 p.m. Justice Education Security – QA approval – W. Clark Aposhian

Mr. Aposhian and Mr. Paulsen appeared for Justice Education Securities appointment with the Board. The Division is concerned that it would be a conflict of interest for Mr. Aposhian to be the Qualifying Agent for two Security Companies, at the same time.

Mr. Aposhian explained that he did not feel that it would be a conflict of interest, due to the size of the two Companies, his lack of involvement in the bidding process, and the different types of contacts the Companies will be pursuing. He then explained his duties with Wasatch Security, LLC, and his Security Training Company. It was then explained that Mr. Aposhian will have similar duties with Justice Education Security.

The Board questioned Mr. Aposhian regarding how he would handle a situation where he is required to be at both Companies at the same time. Mr. Aposhian explained that he would prioritize, and delegate as appropriate, in the same manner that any other Qualifying Agent would.

After a detailed discussion Mr. Conner seconded by Mr. Rose made a motion to deny Mr. Aposhian's request for approval as the Qualifying Agent for Justice Education Security, due to his current Qualifying Agent status with Wasatch Security, LLC. The motion carried with Mr. Merchant recused.

1:45 p.m. Brockbank, Keven

Mr. Brockbank appeared for his scheduled appointment with the Board. Mr. Ormond reviewed Mr. Brockbank's application for licensure as an Unarmed Private Security Officer. Mr. Ormond explained that in 2002, while working as an OB/GYN, Mr. Brockbank began self medicating migraine headaches. Due to his self medicating, on or around May 14, 2003, Mr. Brockbank entered into a "Consent Agreement for Probation" with the Arizona Medical Board. And later, on October 31, 2003, he entered into a "Stipulation and Order" with this State.

Mr. Brockbank then explained that he later surrendered both his Arizona and Utah licenses due to

his inability to maintain Malpractice Insurance.

After a detailed discussion it was determined that the 2003 disciplinary actions do not reflect on his ability to practice in this profession. Mr. Conner seconded by Mr. Merchant made a motion to grant licensure to Mr. Brockbank. The motion carried unanimously.

The Board also recommended, due to Mr. Brockbank's current employment status, that Mr. Brockbank has sixty (60) days from the date of employment to obtain his additional sixteen (16) hours of "Additional Training".

2:00 p.m. Easter, Jacob

Mr. Easter appeared for his scheduled appointment with the Board, to review his application for licensure as an Unarmed Private Security Officer. Mr. Rose explained that Mr. Easter was charged with Grand Theft and Receiving Stolen Property on July 15, 2008 from Sacramento California Sheriff's Department. It was then explained that the charges were later reduced to Misdemeanors.

A detailed discussion ensued regarding the circumstances around the charge. Mr. Rose seconded by Mr. Tinsley made a motion to grant licensure as an Unarmed Private Security Officer to Mr. Easter, based on the completion of all Court requirements. The motion carried unanimously.

## **DISCUSSION ITEMS:**

Firearms Training form review

Mr. Ormond explained that this issue was discussed at the August 13, 2009 Board Meeting. During the meeting the Board recommended to amend this form to reflect both the Classroom and Firearms examination scores.

Mr. Ormond explained that R156-63a-604 (2) requires only the passing of an examination on a recognized practical pistol course. He felt that amending the form could cause confusion regarding the examination requirements.

Mr. Rose seconded by Mr. Conner made a motion to leave the "Certification of Completion of Firearms Instruction" form as written, adding that the Company

may maintain the exam scores. The motion carried unanimously.

**CORRESPONDENCE:**

International Association of Security & Investigative Regulators – Annual Meeting

Mr. McCoy reviewed the IASIR (International Association of Security & Investigative Regulators) Conference announcement.

After a brief discussion Mr. Rose and Mr. Tinsley expressed their interest to attend the November 11-13, 2009 Conference in Portland, Oregon.

**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.*

December 10, 2009

(ss) Johnny McCoy

Date Approved

Chairperson, Security Services Licensing Board

December 14, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing