

# MINUTES

## UTAH Security Services Licensing Board MEETING

December 10, 2009

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

**CONVENED:** 9:03 a.m.

**ADJOURNED:** 2:08 p.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Chief Johnny McCoy - Chairperson  
John Tinsley  
Alan Conner  
Perry Rose

**Board Members Absent:**

Sheriff Jeff Merrell  
Clayton Merchant

**Guests:**

Robert Anderton - PACSCo (Professional Alliance of  
Contract Security Companies)  
Melody Chapman – Chapman Security  
Joe Chapman – Chapman Security  
Jairus Duncan – Garda Northwest  
Art Goodman – Kane Consulting  
Kris Cantil – Kane Consulting  
Paul Adams – SOS Security  
Roger McIff – Peak Alarm  
Jim Eckley - SOS Security  
Jim Young – JLS Security  
George Frandsen – Allied  
Mark Mortensen – Self  
Lynette Phillips – USA  
Lesa Gieselman - Self  
Jeremy Lee – Allied  
P Heil – Centurion  
Cory Smith – Self  
Brian Grob - Self  
Jairus Duncan

**DOPL Staff Present:**

Rhonda Trujillo – Compliance Assistant

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

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**ADMINISTRATIVE BUSINESS:**

Approval of the October 8, 2009 Board Meeting Minutes

Mr. Rose seconded by Mr. Conner made a motion to approve the October 8, 2009 Board Meeting minutes. The motion carried unanimously.

**APPOINTMENTS:**

9:15 a.m. Compliance

Ms. Trujillo explained that:

Mr. Grob is currently non-compliant with his MOU (Memorandum of Understanding) due to his failure to submit his “Employer Reports” as required. She further explained that Mr. Grob’s October, November, and December reports have not been submitted. Mr. Tinsley questioned whose responsibility it is to submit this form. Ms. Trujillo explained it is the Security Officers responsibility to submit the form; however, the Officers direct supervisor must complete the form.

Mr. Mortensen is compliant with his Stipulation and Order. The Division had been concerned that Mr. Mortensen may not be being appropriately supervised. Ms. Trujillo contacted his employer, who clarified that while Mr. Mortensen is on duty, he can contact Mr. Jayson Cooper or Mr. Morrie. Additionally a positive “Psychiatric Report” was submitted from Dr. Bryan Maulden.

9:30 a.m. Grob, Brian

Mr. Grob appeared for his scheduled appointment with the Board. Mr. Tinsley recused himself from the discussion due to Mr. Grob being employed by his Company.

Ms. Trujillo questioned Mr. Grob regarding his failure to submit his “Employer Reports”. Mr. Grob explained that he had thought the forms had been submitted, in the future he will submit them to the Division himself. Ms. Trujillo then reminded him that he must submit all missing reports, Mr. Grob understood.

It was determined Mr. Grob is Non-Compliant with his MOU, he will continue submitting his “Employer

Reports” on a monthly basis, and will meet again with the Board on February 11, 2010.

9:45 a.m. Mortensen, Mark

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

After a brief discussion, it was determined that Mr. Mortensen is currently in compliance with his Stipulation and Order, will meet again with the Board on February 11, 2010, and will continue submitting his quarterly “Employer and Psychiatric Reports”.

10:00 a.m. Smith, Cory

Mr. Smith appeared for his scheduled appointment with the Board. Mr. Rose reviewed his application for licensure as an Unarmed Private Security Officer, and explained that on December 8, 2006 Mr. Smith’s POST (Peace Officers Standards and Training) Certification was revoked due to his violation of Utah Code Ann. §56-6-211(1)(d)(v) and Utah Administrative Code R728-409-3 (J).

Mr. Ormond and the Board expressed their concern with the deceptive nature of Mr. Smith’s actions. Mr. Ormond then reminded the Board that in the past the recommendation, in similar cases, has been a probationary license.

Mr. Rose seconded by Mr. Tinsley made a motion to issue licensure to Mr. Smith, with no restrictions, due to the length of time since the incident occurred. The motion carried unanimously.

10:15 a.m. Chapman Security & Investigations

Mr. Chapman appeared for his scheduled appointment with the Board to review his Basic and Firearms Training Program. Mr. Ormond explained, at the October 15, 2009 Security Services Education Advisory Peer Committee meeting the Committee had recommended approval of this program, contingent upon the addition of a “Constitutional Law” portion, and Board approval. Mr. Chapman later submitted the requested portion.

Mr. Chapman then explained that his program meets all requirements of R156-63a-603 and 604 plus additional topics including terrorism, introduction of firearms (for Unarmed Officers), and procedures for Officer involved in a shootings.

Mr. Rose questioned if this program could be taught as twenty-four hours of pre-hire training. Mr. Chapman explained that all of his officers have undergone this training, and that they complete the full program prior to licensure. Mr. Rose then questioned if this has caused a hardship for the Company, Mr. Chapman stated that he felt his Officers were better prepared, and more motivated to perform their job duties. Mr. Conner then requested for Mr. Chapman to track his employee retention and report back to the Board, Mr. Chapman agreed.

Mr. Rose seconded by Mr. Conner made a motion to approve Chapman Security & Investigations Training program. The motion carried unanimously.

10:30 a.m. AlliedBarton Security Services

Mr. Jeremy Lee and Mr. George Frandsen then appeared for their scheduled appointment with the Board, for approval of their Basic Training Program. Mr. Ormond explained, at the October 15, 2009 Security Services Education Advisory Peer Committee meeting the Committee had recommended approval of this program, contingent upon Board approval.

Mr. Lee explained that this program is reviewed on a regular basis and amended as needed, by his corporate office. Mr. Rose then questioned if this program can be administered as twenty-four hours of pre-hire training, Mr. Lee said that it could.

Mr. Rose then questioned the Division if all programs will need to be reviewed by the Security Services Education Advisory Peer Committee and Board if R156-63a-603 and 604 is amended to require twenty-four hours of pre-hire training; Mr. Ormond said that they would.

Mr. Tinsley second Mr. Conner made a motion to approve AlliedBarton Security Services Training Program. The motion carried unanimously.

11:00 a.m. Jairus Duncan

Mr. Jairus Duncan appeared for his scheduled appointment with the Board, for approval of his Armored Car Firearms Training Program. Mr. Ormond explained, at the October 15, 2009 Security Services Education Advisory Peer Committee meeting

the Committee had recommended approval of this program, contingent upon Board approval.

Mr. Duncan explained that this program may be used in conjunction with the current PACSCo Armored Car Training program.

Mr. Tinsley second Mr. Rose made a motion to approve Jairus Duncan's Armored Car Firearms Training Program. The motion carried unanimously.

Mr. Duncan then questioned the Division and Board regarding what procedure is currently in place regarding Armed and Armored Car Officers who fail to pass or fail to meet the requirements of R156-63a and 63b-304, the Firearms Continuing Education requirement. Mr. Ormond explained that at each renewal period the Division conducts a random audit in this area. He then added that the Trainer should also notify the Division at the time of failure of the exam, or failure to meet the requirement.

11:15 a.m. Gieselman, Lesa

Ms. Gieselman appeared for her scheduled appointment with the Board, to review her application as an Unarmed Private Security Officer, as it relates to her July 14, 2007 Simple Assault, Misdemeanor B; and her October 17, 2007 Obstruction of Justice, Misdemeanor B charges. It was also noted that possible additional related charges were reflected on her FBI (Federal Bureau of Investigations) reports. However, the Division has not received the additional documentation to confirm these charges.

Due to the nature of the charges, at 11:11 a.m. Mr. Conner seconded by Mr. Tinsley made a motion to go into a closed session to discuss Ms. Gieselman's character. The motion carried unanimously.

11:46 Re-opened Meeting

11:46 a.m. Mr. Conner seconded by Mr. Rose made a motion to reopen this meeting. The motion carried unanimously.

Due to the Boards concerns with Ms. Gieselman's possible criminal history. Mr. Tinsley seconded by Mr. Rose made a motion to table Ms. Gieselman's application for licensure, until Division Investigations can obtain the complete Police Reports and Court

Documents regarding all charges. Additionally the Board is requiring Ms. Gieselman to submit a certificate of completion of all court ordered treatment. The motion carried unanimously.

Ms. Gieselman will next meet with the Board on February 11, 2010, to further discuss her application for licensure.

11:30 a.m. Introduction of the USA (Utah Security Association)

Ms. Phillips appeared for her scheduled appointment with the Board, to introduce a new Association for this profession. A flyer was distributed to the Board and guests present.

Ms. Phillips explained that USA welcomes all Contract or Proprietary Security Companies, Officers, Law Enforcement, Family members of Officers, Clients, and any other individual or company who is interested in increasing the professionalism of this business. Future goals of USA include assisting Officers to obtain Benefits, continuing education, portability of training records, and improving all aspects of this profession.

It was added that a committee will be established to assist the Board and Division, as needed. Additionally Ms. Phillips is a registered lobbyist and is willing to assist with legislative issues.

Mr. McCoy questioned if USA will be working in connection with PACSCo. Mr. Anderton explained that PACSCo is an Alliance of Contract Security Companies, and that USA will fill a void needed in this profession.

The Board welcomed Ms. Phillips and USA as a new Association for this profession.

## **DISCUSSION ITEMS:**

Report on the IASAR (International Association of Security & Investigative Regulators) – Annual Meeting

Mr. Rose explained that he and Mr. William Sandoval represented Utah at the IASAR meeting in Portland, Oregon on November 11<sup>th</sup> – 13<sup>th</sup>, 2009. He further added that Mr. Ormond was well respected and missed by the other attendees

Key topics at the meeting included;

- **Training:** representatives from many companies were in attendance and expressed their support of increased training. Mr. Rose explained that Oregon and Florida are currently requiring forty-hours of pre-hire training. He added that future goals for this profession should include similar training requirements. It was then clarified that the Ad-Hock committee would be meeting soon to begin writing new training requirements.
- **Light-Bars:** Mr. Rose explained that at the last meeting on October 8, 2009 he had proposed for light-bars to only include amber and white/clear lights. After meeting with representatives at the IASAR meeting he feels that green should be added to his proposal. The reasoning behind this change is that in a disaster situation, when Security Officers have been utilized by Police Agencies, in other States. The public was better serviced by knowing that “Amber, Green, White/Clear represented Security.

Mr. Rose then distributed a book he received at the IASAR meeting, “Trends and Practice of Law Enforcement and Security”. He recommended reading this book, adding that it was informative.

Report on the proposed amendments to the “Operating Standards of Security Vehicles”

At the October 8, 2009 Board meeting Mr. Tinsley agreed to review R156-63a-610 and write proposed language to better define what lights, and decals may be attached to Security Vehicles.

Mr. Tinsley is proposing the following:

A contract security company or its personnel (*in good standing with the Division*) may utilize a vehicle whose markings, lighting and signal devices comply with this Rule and meet the following criteria:

Contract security company vehicles:

- (1) **Shall** use the word “Security”, either alone or in conjunction with the company name, and shall appear on each side and the rear of the company vehicle in letter no less than four inches in height and in a color contrasting with the color of the contract security company vehicle.

- (2) **Shall** utilize only clear and or amber colored auxiliary flashing lamps on any device mounted to the vehicle facing forward.
- (3) **Shall** utilize only clear, amber and or red auxiliary flashing lamps on any device mounted to the vehicle facing rearward.
- (4) **Shall** operate auxiliary lamps on private property in which the company has a written contract to be present.
- (5) **Shall** only operate auxiliary lamps on public highways when personally directed by a commissioned law enforcement officer.
- (6) **May** utilize a public address device
- (7) **May** utilize an air horn device
- (8) **Shall not** utilize any blue lighting of any kind
- (9) **Shall not** utilize a siren
- (10) **Shall not** utilize a star or star badge insignia
- (11) **Shall not** utilize words suggesting law enforcement

Mr. Tinsley's definition of Auxiliary Lamp was:  
Any lighting or lamp device that meets the criteria as described in (2) and (3).

After a detailed discussion the following changes were recommended:

- Allow the use of green and white lights.
- Amend (5) to read **Shall** only operate auxiliary lamps on public highways when personally directed by a commissioned law enforcement officer or agency.
- Amend (8) to read **Shall** not utilize any auxiliary lighting accept green, white/clear, and amber.
- Definition of Auxiliary lighting means lighting added to the vehicle beyond factory specs.
- Amend (10) to read **Shall** not utilize a star, shield or badge insignia.

Mr. Anderton supported the proposed changes adding that roof-mounted lights should be acceptable; any other modifications to standard vehicle lighting should not be. He also proposed for the Board to approve all markings on Security vehicles. And recommended obtaining fine authority for any violation of this section of the law or rule.

Mr. Anderton explained that Proprietary companies are using the wording “public safety officers” on their vehicles. He was concerned that this practice could be confusing to the public. It was recommended for USA to look into this issue and possibly propose legislation to require licensure for all Security companies including Proprietary.

It was noted that Representative Powell will be sponsoring a Bill at the 2010 legislative session, which will allow the usage of Red, and Blue lights on ambulances. Mr. Rose suggested adding these recommendations to this Bill. It was then determined to propose a separate bill. Mr. Tinsley agreed adding that Senator Dayton may be willing to sponsor it.

Mr. Ormond suggested contacting the Department of Public Safety, Division of Motor Vehicles, and the Utah Police Officers, Sheriff’s, and Chief of Police Associations to ensure their support of any proposed.

Continuing Education Hours - retaking the Basic Training course to count toward Continuing Education

Mr. Ormond explained that the Division is concerned at the growing number of individuals who fail to complete their “Continuing Education” as required by R156-63a-304. Currently the Division has accepted an individual retaking the “Basic Training” to meet this requirement. However, “Basic Training” is not intended for meeting the requirements of “Continuing Education” under R156-63a-304

It was further explained that for individuals who have been out of this profession for more than two years re-taking the “Basic Training” might be appropriate. However, for those individuals who have not been out of the profession for more than two years re-taking the “Basic Training” may not be appropriate.

After a detailed discussion it was determined that this issue should be reviewed on a case-by-case basis. It was then added that continued re-taking of the “Basic Training” should not be allowed.

It was recommended to send a letter to licenses reminding them of the requirements of R156-63a-304.

**ADJOURN:**

2:08 p.m.

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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 11, 2010

(ss) Jeff Merrell

Date Approved

Chairperson, Security Services Licensing Board

February 11, 2010

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational &  
Professional Licensing