

MINUTES

**UTAH
Security Services Licensing Board
MEETING**

February 11, 2010

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

CONVENED: 9:02 a.m.

ADJOURNED: 12:02 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Sheriff Jeff Merrell – Acting Chairperson
Clayton Merchant
Alan Conner
Perry Rose

Board Members Absent:

Chief Johnny McCoy
John Tinsley

Guests:

Robert Anderton - PACSCo (Professional Alliance of
Contract Security Companies)
Lynette Phillips – USA (Utah Security Association)
Joshua Kone – Peak Alarm Security
Russ Shinrock – Securitas Security
Joe Chapman – Chapman Security
Jairus Duncan – Garda Northwest
Devin Cummins – CBI Security
Richard Casaus – CBI Security
Steve Peterson – AlliedBarton
Kris Cantil – Kane Consulting
John Lemon - Pride Security
Frank Hatton-Ward – ABSS
Mark Mortensen – Self

DOPL Staff Present:

Debbie Harry – Compliance Assistant

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the December 10, 2009 Board Meeting Minutes

Mr. Conner seconded by Mr. Merchant made a motion to approve the December 10, 2009 Board Meeting minutes. The motion carried unanimously.

APPOINTMENTS:

9:15 a.m. Compliance

Ms. Harry explained:

Mr. Grob is currently non-compliant with his MOU (Memorandum of Understanding) due to his failure to submit his January and February "Employer Reports" as required. Ms. Harry added that Mr. Grob is no longer working in this profession.

Mr. Mortensen is compliant with his Stipulation and Order. A positive quarterly "Employer Report" was received from Mr. Mortensen's direct supervisor, at CBI Security. It was then added that Mr. Mortensen's next "Psychological Report" is due in April.

Ms. Harry then updated the Board regarding Mr. Derick Johnson's probationary status. Mr. Johnson last appeared before this Board on June 11, 2009, and was unable to appear at the August 13, 2009, due to lack of transportation. Prior to the October 8, 2009 meeting; Mr. Ormond contacted Mr. Johnson and requested that he submit a letter requesting release from this probation. As of this meeting the letter has not been received, and Division records indicate that Mr. Johnson has not attempted to make contact.

It was determined that Ms. Trujillo will contact Mr. Johnson to determine if he intends to submit the requested letter.

9:30 a.m. Grob, Brian

Mr. Grob was available to his scheduled telephone probationary interview with the Board.

Mr. Rose expressed his concern that Mr. Grob may not be taking this probation seriously, due to his failure to submit his Employer Reports as required by his MOU. Mr. Grob explained that he had not been aware that, due to no longer working in this profession that he needed to continue submitting the forms. He then ensured the Board that he would become fully

compliant with his MOU. Ms. Harry reminded Mr. Grob that he must submit his January and February Employer Reports, adding that the forms can be printed directly from the Division web site.

Mr. Grob is non-compliant with his MOU, and will meet again with the Board on April 8, 2010 at 9:30 a.m.

Mr. Ormond then reminded Mr. Grob that, since he is no longer working in this profession, no time will be deducted from his probationary period, Mr. Grob understood. Also the surrender of licensure process was explained to Mr. Grob.

9:45 a.m. Mortensen, Mark

Mr. Mortensen appeared for his scheduled probationary appointment with the Board. The Board complimented him on remaining in compliance with this probation.

Mr. Mortensen is in compliance with his probation and will next meet with the Board on June 10, 2010. Mr. Mortensen was then reminded that his next "Psychiatric Report" is due on April 1, 2010.

10:00 a.m. Gieselman, Lesa

Ms. Gieselman failed to appear for her scheduled appointment with the Board. Mr. Ormond reviewed the concerns with Ms. Gieselman's application for the benefit of the absent Board Members.

Mr. Ormond then added that Ms. Gieselman's case has been closed due to Division Investigations inability to obtain the Cook County, Illinois Police Reports.

Mr. Conner seconded by Mr. Merchant made a motion to enter into a closed meeting to further discuss Ms. Gieselman's investigative proceedings regarding allegations of criminal misconduct. The motion carried unanimously.

Mr. Conner seconded by Mr. Merchant made a motion to reopen this meeting. The motion carried unanimously.

Meeting Re-opened 11:17 a.m.

Mr. Rose seconded by Mr. Merchant made a motion to deny Ms. Gieselman's application for licensure as an Unarmed Private Security Officer, due to falsification

10:15 a.m. Cummins Devin

of her application. The motion carried unanimously.

Mr. Cummins 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 May 30, 2006, Assault, misdemeanor A charge, which was held in abeyance, and later dismissed. During the twelve month probationary period, with the court, he was required to complete an anger management course through Positive Adjustments, and pay a fine.

Mr. Cummins explained that his girlfriend, at the time, had told him that she was the victim of an assaulted while she was attending a party. Due to his girlfriends statements he had determined to have her call the assailant and request to meet with him. When they met Mr. Cummins and some of his friends attacked the assailant, and put him in the hospital. Mr. Cummins further explained that he had been on leave from the Marines, and had had a strong emotional connection with the girlfriend. It was further explained that the Marines took no adverse action against him due to the charge.

The Board then questioned if he was in the same situation now would he repeat his actions. Mr. Cummins respond that he would always protect the innocent. However, at this point in his life, he would detain the person until law enforcement could respond.

The Board was concerned that Mr. Cummins may be unable to make the right choice, if he was placed in a highly emotional situation again, due to the premeditation of the charge. Mr. Cummins explained that he has learned to think before he acts.

Mr. Rose seconded by Mr. Conner made a motion to grant full licensure to Mr. Cummins, based on the length of time since the charge occurred. The motion carried unanimously, with all Board members strongly recommending caution to Mr. Cummins, and reminding him that there will be no seconded chances on this issue.

10:30 a.m. Casaus, Richard

Mr. Casaus appeared for his scheduled appointment with the Board to review his application for licensure

as an Unarmed Private Security Officer, at it relates to his November 19, 2009, West Jordan City Justice Court charges which included:

- Attempted Threat / Use of Weapon in Fight, Misdemeanor B, dismissed;
- Assault, Misdemeanor B, dismissed; and
- Disorderly Conduct, Misdemeanor C, Conviction which is currently being held in abeyance pending successful payment of all fines/court costs.

Mr. Ormond questioned Mr. Casaus regarding why he failed to answer appropriately to Qualifying Questionnaire question number thirteen (13) regarding currently having any criminal action pending. Mr. Casaus indicated that his attorney told him that he did not need disclose the charges.

Mr. Casaus then explained the circumstances around the charge, and clarified that it was a “little situation which was blown out of proportion” by the other party. He then added that both the other party and he were at fault for the situation.

Mr. Merchant seconded by Mr. Rose made a motion to deny Mr. Casaus’s application for licensure, based on the circumstances around the charge, length of time since charge occurred, and having currently being on probation for the charge. The motion carried unanimously.

11:00 a.m. Fugit, Janet

Ms. Fugit was unable to attend this meeting, to review her application for licensure as an Unarmed Private Security Officer, as it relates to her criminal history.

Ms. Fugit was convicted of the following charges:
6-21-2000 – Disorderly Conduct – Guilty Plea;
11-14-2000 – Illegal Possession – 3rd Degree Felony Reduced to a Class A Misdemeanor; Guilty Plea
8-02-2001 – Attempted Joy Ridding – No Contest – Class A Misdemeanor - Probation 18 Months.

Mr. Ormond explained that even though all charges are nine years or older the Division is concerned with the number, and nature of the charges.

After a detailed discussion Mr. Rose seconded by Mr. Merchant made a motion to grant full licensure to Ms.

Fugit, based on the length of time since the charges. The motion carried unanimously.

Kone, Joshua Martin

Mr. Ormond explained that due to having not received a complete application until February 10, 2010, this application was not listed on the Agenda. However, the Division is requesting the Board opinion, regarding Mr. Kone's application for reinstatement of licensure as an Unarmed Private Security Officer, as it relates to his August 21, 2007, West Valley City Justice Court charges which included:

- Criminal Mischief, Misdemeanor B, held in abeyance; and
- Damage to Property, Misdemeanor B, held in abeyance.

It was explained that Mr. Kone had answered "Yes" to all appropriate Qualifying Questionnaire questions, his twenty-four hours of Basic Training was completed on January 28, 2010.

Mr. Kone then explained the circumstances around the charge, and clarified that due to financial issue he has been unable to complete all requirements of his plea in abeyance agreement.

Mr. Rose expressed his concern regarding Mr. Kone's "high street potential". The Board then recommended placing Mr. Kone on a two year probationary license, which should require "Employer Reports", meet with the Board on a quarterly basis.

DISCUSSION ITEMS:

Amendment R156-63a & 63b to require:

- Certificates for all Continuing Education Hours.
- Restrict the time frame between completion of the Basic/Firearms instruction and application for licensure.

Mr. Ormond explained that all Security Services licenses expire on November 30, 2010. Due to the current wording of R156-63a and 63b there is no approved continuing education program, and the Division is unsure if the continuing education is being appropriately completed by all licensees. He then recommended amending R156-63a and 63b-304 to required certificates of completion to be submitted with all "continuing education audits".

Mr. Conner recommended, obtaining certificates of completion or the attendance roster, for each course attended, to be obtained from the Security Services

Company. Mr. Merchant and Mr. Rose agreed this was an acceptable option.

Mr. Ormond questioned if the same procedure should be used of licensees who are no longer working in the profession, Mr. Merchant recommended contacting the Qualifying Agent of the company to obtain the information. Mr. Ormond then explained that the Division is contemplating auditing all Armed, and Armored Car Officers.

A proposed "continuing education audit" form was given to the Board for review. It was recommended to include a section requiring the Instructors NRA (National Rifle Association) or POST (Peace Officer Standards and Training) numbers.

Mr. Ormond then recommended for each Board Member to review R156-63a and 63b to determine, which areas may need to be amended, to better protect the public, and be prepared to further discuss this issue at the April 8, 2010 Board Meeting.

Mr. Ormond then explained that another concern of the Division's is individuals who complete the Basic or Firearms Training Programs, and not submit an application for several months. He further explained that the R156-63a and 63b does not indicate if this is acceptable. After an extensive discussion it was determined to only accept the training for ninety-days after the completion date.

The Basic Training examination was then discussed, to determine who should be administering the examination. Mr. Ormond explained that for all other professions the training is given by one entity, and the examination is administered by another. Mr. Ormond recommended, studying the current training programs and determining, if the examination should be administered by PSI. It was then questioned if the Trainers should hold an accreditation, or if PACSCo or USA could establish an on-line examination. The Board recommended for the Division to establish an on-line examination, Mr. Ormond reminded the Board that all examination needs to be administered through PSI. Mr. Rose explained that he will be meeting with representatives of the profession and will discuss this

issue with them.

Mr. Anderton then added that the PACSCo registration number could be amended to connect to the Trainer of the Security Services Company, and they can begin to require certification of the Trainers prior to approval of the registration number.

Training Requirement update

Mr. Rose addressed the Board and explained that the “Education Sub-Committee” has been established, however, has been unable to meet at this time. He further explained that he is compiling Training data from other States, and will convene a meeting soon.

Some topics to be discussed at the “Education Sub-Committee” meeting is:

- Mr. Anderton’s support of sixteen-hours of pre-hire Basic Training.
- Elimination of the On-The-Job Training Program, if twenty-four hours of Basic Training has been completed.

Mr. Rose then explained that the proposed “Training Program” will be reviewed by the Security Services Education Advisory Committee on April 15, 2010, and will be ready for Board approval at the June 10, 2010 Board Meeting.

ADJOURN:

12:02 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 15, 2010

Date Approved

(ss) Johnny W McCoy

Chairperson, Security Services Licensing Board

April 15, 2010

Date Approved

(ss) Clyde Ormond

Bureau Manager, Division of Occupational & Professional Licensing