

MINUTES

UTAH Security Services Licensing Board MEETING

June 10, 2010

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

CONVENED: 9:14 a.m.

ADJOURNED: 12:06 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Sheriff Jeff Merrell – Acting Chairperson
John Tinsley
Perry Rose

Board Members Absent:

Alan Conner
Chief Johnny McCoy

Guests:

Robert Anderton - PACSCo (Professional Alliance of Contract Security Companies)
Steven Peterson – Security Services Education Advisory Committee
Monique Jackman – Code 3 Security & Investigations
Lynette Phillips – USA (Utah Security Association)
Jon Thurman – Pinkerton Government Services
Michael Gunn – Metro Protective Agency
Michael “Paul” Adams – SOS Security
Patrick Hayes – Uintah Basin Security
Edward Allen – Uintah Basin Security
Tina Hansen – Andrews International
Russell Shinrock – Securitas Security
Marie Poulson – Utah State House
Joe Chapman – Chapman Security
Jairus Duncan – Garda Northwest
Royd Waters – ABM Security
Jim Eckley – SOS Security
Jim Cross – CBI Security
Dick Fisher – PACSCo
Pat Hail – Peak Alarm
Mark Mortensen
Kelsee Webb

Joshua Kone
Brian Grob

DOPL Staff Present:

Kent Barnes – Compliance Supervisor

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the April 15, 2010 Board Meeting Minutes

Due to a lack of a quorum the April 15, 2010 Board Meeting Minutes were tabled until the July 12, 2010 meeting for approval.

APPOINTMENTS:

9:15 a.m. Compliance

Mr. Barnes explained, due to an increase in workload, Ms. Debbie Harry will be the new Compliance Assistant.

He then explained:

Mr. Grob is currently compliant with his MOU (Memorandum of Understanding). It was then added, Mr. Grob has not worked in this profession since December 2009.

Mr. Mortensen is currently non-compliant with his Stipulation (Stipulation and Order), due to his failure to submit his quarterly “Employer Reports” as required. Mr. Barnes then requested, for the Board to remind Mr. Mortensen to have Dr. Maulden acknowledge he has read Mr. Mortensen’s Stipulation.

Mr. Kone is currently compliant with his MOU. All “Employer Reports”, submitted have been positive.

This is Ms. Webb’s First Probationary interview and she is currently compliant with her MOU. Mr. Barnes further explained Ms. Webb has signed up with CompasVision; however, she has yet to be selected for her first urinalysis test.

9:30 a.m. Grob, Brian

Mr. Grob appeared for his scheduled probationary appointment with the Board. The possibility of an early release was then discussed in detail. Mr. Ormond reminded the Board and Mr. Grob, his MOU requires that if he is not working in this profession the “time

frame” stops. It was further explained other professions, administered by DOPL, require all probationary licensees to show a history of compliance prior to being released. Mr. Grob agreed to look for part-time employment, in order to establish a history of compliance.

Mr. Grob is **compliant** with his probation and will next meet with the Board on August 12, 2010. At that time if he is working in this profession he may request an early release from this probation.

9:45 a.m. Mortensen, Mark

Mr. Mortensen appeared for his scheduled probationary appointment with the Board. Mr. Rose explained he is not in compliance with his Stipulation, due to his failure to submit his “Employer Reports” as required. Mr. Anderton commented Mr. Mortensen’s direct supervisor has been on vacation. However, the “Employer Report” would be submitted prior to the end of business hours. Mr. Rose then reminded Mr. Mortensen of his responsibilities to this probation.

Mr. Rose also reminded Mr. Mortensen; Dr. Maulden must acknowledge he has read his Stipulation. Mr. Rose then added Mr. Mortensen’s next “Therapist Report” is due in October 2010. Mr. Mortensen understood.

Mr. Mortensen is **compliant** with his probation, **contingent upon receipt of a positive “Employer Report” prior to the end of business hours, today.** Mr. Mortensen will next meet with the Board on October 14, 2010.

10:00 a.m. Kone, Joshua

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

Mr. Tinsley reviewed Mr. Kone’s file and praised him on his positive employer reports.

It was determined Mr. Kone is **compliant** with his MOU, and will next meet with the Board on October 14, 2010.

10:15 a.m. Webb, Kelsee

Ms. Webb appeared for her first scheduled probation appointment with the Board.

Sheriff Merrell reviewed Ms. Webb's file, it was determined Ms. Webb is **compliant** with her MOU and will next meet with the Board on August 12, 2010.

10:30 a.m. Code 3 Security and Investigations
– Jackman, Monique

Ms. Jackman appeared for her scheduled appointment with the Board to review her application for licensure as a Contract Security Company with herself as the Qualifying Agent.

Mr. Rose reviewed her application and questioned her on her experience and knowledge within this industry. Ms. Jackman had submitted a letter, dated April 12, 2007, from her former employer which verifies her 6000 hours of experience. It was then explained the former owner and Qualifying Agent are unable to be reached at this time. Additionally three other letters were submitted attesting to Ms. Jackman's experience.

After a brief discussion Mr. Rose recommended approval of Code 3 Security and Investigations, application for licensure as a Contract Security Company with Ms. Jackman as the Qualifying Agent.

10:45 a.m. Confidential Background
Investigations – Cross, James

Mr. Cross appeared for his scheduled appointment with the Board to review his application for approval as the Qualifying Agent for Confidential Background Investigations.

Mr. Tinsley reviewed his application and questioned him on his experience and knowledge within this industry.

After a brief discussion Mr. Tinsley recommended approval of Mr. Cross, as the Qualifying Agent for Confidential Background Investigations.

DISCUSSION ITEMS:

Basic Training & Train the Trainer Program –
Review

Mr. Rose explained that there were misunderstandings regarding the proposed Basic Training Program. He then clarified:

1. The proposal does not increase the current "Basic Training" requirement, only changes the structure of the training;
2. All Officers will be required to complete a total of twenty-four hours of "Basic Training" to include;

- Sixteen hours of Core topics; and
 - Eight hours of Elective topics (which the Company is able to choose to best fit their requirements).
3. Implementation of the proposal would standardize the training requirements, and improve professionalism; and
 4. A majority of Companies, have expressed they are currently training more than the current required twenty-four hours.

Mr. Ormond reviewed the historical background regarding this issue. It was then added, since this profession began being regulated by the Division;

1. There has been no oversight in this area.
2. Officers are required to redo the “Basic Training” at each Company they are employed by, which is a waste of money for both the Officer and the Company.
3. Some trainers are not appropriately teaching the material.

Mr. Anderton expressed a concern of the profession regarding, what action could be taken if a Company needs Officers in a short time frame. He then agreed sixteen hours of pre-hire training would be appropriate. Mr. Rose reminded the attendees, the current Basic Training requirement is twenty-four hours, and the proposal is not increasing this requirement. It was then recommended requiring sixteen hours pre-hire and eight hours post-hire. Mr. Rose explained this recommendation does not resolve the current training issues, adding reducing the required hours is inappropriate.

The individuals present were concerned regarding, what action could be taken regarding part-time employees, who are not able to complete the full twenty-four hours of training prior to licensure. They were also concerned with requiring twenty-four hours of unpaid training.

Mr. Ormond will discuss the raised concerns with the Attorney General representative, to ensure all policies are appropriate.

The proposed Basic Training requirements were then tabled for review by the Security Services Education Advisory Committee on June 24, 2010.

Train-the-Trainer

Mr. Rose explained PACSCo and USA were requested, by the Security Services Education Ad-Hock Committee, to collaboratively create a “Train-the-Trainer” program. Wherein individuals who meet the qualifications of R156-63a-602 would be required, prior to acting as a trainer and at each renewal, to certify, they have completed the program. It was further explained the Associations were unable to comply with this request. USA wrote a program which consists of a four hour course, offered free of charge, to any qualified individual, and at any location throughout the State. Additionally this program can be used as continuing education, for the Trainers.

Some attendees were concerned with requiring a Train-the-Trainer program for all trainers, especially those who were current trainers with numerous years of experience. Some individuals implied it was inappropriate to require the individuals with the most experience to be certified. It was then explained this training is intended to ensure all trainers are training in the same manner, whether the individual had been training for thirty years or less than a month.

It was then questioned why, if a Qualifying Agent is required to “exercises material authority in the conduct of the contract security's business by making substantive technical and administrative decisions relating to the work performed”, is not required or qualified to be the trainer, without being required to undergo additional training/approval by the Board or Division. Additionally it was questioned, if the Qualifying Agent is not qualified to act as a trainer, why are they not required to recertify every two years.

The Board was encouraged to be considerate of the smaller companies, who may not have the staff to send their trainer for this training.

The attendees were then reminded each trainer will be required to recertify every renewal period, to ensure they are currently competent.

Mr. Adams expressed his discontent with this proposal. He further explained he did not feel the Division had the Statutory authority to require individuals to take a "Train-the-Trainer" program. He then added if the Division implements this program, he would take legal action. Mr. Fisher later expressed his supported of legal action. Mr. Ormond explained the Division has authority to establish standards of training for licensees. Mr. Adams disagreed with Mr. Ormond's comments.

Mr. Chapman then reminded the attendees, the Train-the-Trainer program, will be offered to any eligible individual, free of charge, and at any location. Additionally he explained once an individual is certified they will be eligible to train the program. He further added this is a starting point for the profession, to raise the standards to better the trainers and the officers. This is an opportunity to watch and help the profession grow.

Ms. Hansen acknowledged the program is a good idea, to help the profession evolve. She further stressed this profession needs to learn to work together, and stop being "cut throat". In conclusion she reminded the attendees that increasing their knowledge is not a hindrance to the trainers, the companies, the offices, or this profession.

Mr. Allen explained he is a new trainer in this profession, and is in support of the Train-the-Trainer program. He then supported the idea of USA being willing to train in any location. He expressed that he would be honored to learn from those individuals who had more experience in this area.

Mr. Rose then explained for those companies or trainers who are unable to dedicate four hours to the training immediately. A trainer is eligible to take the test, and if passed, being training with the understanding they must take the class at a later date.

It was then proposed for the Division to write a program, and upon completion the trainer could be issued a certification.

Mr. Ormond explained, in the past instances have arisen where a Company needs a large number of employees in a short amount of time, for a specific event. He questioned if it would be appropriate to issue Temporary Licensure to the Officers, if they meet all licensure requirements. He then added 58-1-307 (4) allows an exemption to licensure on an emergency basis.

The Board agrees a Temporary License may be issued to the Officers on an emergency basis.

Accidental Discharge of Weapons

Mr. Ormond proposed amending R156-63a-502 and R156-63b-502 the Unprofessional Conduct section of the Licensing Act Rule to include:

- Firing a weapon by an armed private security or armored car officer unless there is an eminent threat to life;
- Drawing a weapon as a threat or means to force, or compliance with any verbal directive not involving eminent threat to life; and
- Failing to conform to the generally accepted and recognized standards and ethics of the profession including those established by the Utah Security Association Code of Ethics, dated 7 May 2010, which are hereby incorporated by reference.

Mr. Anderton recommended amending R156-63a-613 and R156-63b-612 to include this issue. The Board Members present agreed. Mr. Rose questioned including any tool or weapon utilized by the Officer, and excessive force. Mr. Waters agreed, adding any improper use of a tool or weapon utilized by the Officer, and excessive force. Mr. Ormond explained the Division could take the following action:

1. No action, depending on the circumstances of incident;
2. A "Letter of Concern";
3. Require a meeting with the Board; and
4. Hold a hearing to revoke or suspend the license.

The Board Members present also agreed adoption of a "Code of Ethics" would be beneficial to the profession.

requirement for one member to be a trainer with the Department of Public Safety, POST (Peace Officer Standards and Training) Division. Mr. Ormond then explained the current POST representative, and the Director of Public Safety do not feel it is appropriate for POST to be represented on this Committee.

A detailed discussion ensued regarding what action could be taken to resolve this issue, including amending the R156-63a:

- To require a representative from the UPOA (Utah Peace Officers Association); or
- To require two (2) Contract Security Companies be represented.

Mr. Ormond will contact UPOA, and the FOP (Fraternal Order of Police), to determine if either association would be willing to be represented on the Committee. He will report back to the Board on this issue at the August 12, 2010 meeting.

58-63-201 (1) (a) and (b) was then discussed as it relates to the requirement of two individuals who are officers or owners of a licensed contract security company; and one individual who is an officer or owner of a licensed armored car company, to be represented on the Board. Mr. Ormond explained, due to this requirement, and the corporate structure of larger companies, they are unable to be represented on the Board. A possible Statute change will be further discussed in the future.

Probationers who fail to comply with
MOU/Stipulation Requirements

This issue was discussed in connection with Mr. Grob.

It was recommended to amend the current MOU and Stipulation wording to automatically revoke licensure if the probationer is out of the profession for more than six (6) months. Mr. Ormond will discuss this issue with Ms. Noda, to ensure this can be done. It was also recommended to place the license in abeyance pending the probationers return to the profession.

CORRESPONDENCE:

“Man on lam for 20 years arrested in Central Florida” – Article

Reviewed, no further action taken.

ADJOURN:

12:06 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.

August 12, 2010

Date Approved

(ss) Johnny W McCoy

Chairperson, Security Services Licensing Board

August 17, 2010

Date Approved

(ss) Clyde Ormond

Bureau Manager, Division of Occupational &
Professional Licensing