

MINUTES

**UTAH
Security Services Licensing Board
MEETING**

June 9, 2011

**Room 210 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 5:02 P.M.

Bureau Manager:

Clyde Ormond

Board Secretary:

Yvonne King

Board Members Present:

Sheriff Jeff Merrell- Acting Chairperson
Perry Rose
John Tinsley
Alan Connor

Board Members Absent:

Chief Johnny McCoy

Guests:

Lynette Phillips, USA
Joe Chapman, CSI
Russ Shinrock, Securitas
Joseph Rubio, Probation Interview
Anthony Rios, Probation Interview
Thomas Adams, Probation Interview
Johnathan Jacobsmeyer, Probation Interview
Scott Campbell, Applicant
LonnieBeten,
Jeremy Burkinshaw, Firstline Transportation Security Inc

DOPL Staff Present:

Susan Higgs, Compliance Officer
Wayne Holman, Chief Investigations
Kent Barnes, Compliance Manager

9:00 Hearing for Stephen Peterson

The Hearing for Mr. Peterson proceeded as scheduled.

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the April 14, 2011 Board Meeting Minutes

Mr. Conner seconded by Mr. Perry made a motion to approve the April 14, 2011 Board Meeting Minutes as written. The motion carried unanimously.

DISCUSSION ITEMS

Mr. Ormond stated that in R156-63 a & b (unprofessional conduct), the Division did not remove the old reference to On the Job Training (OJT) which is now referred as an Interim Permit.

It was determined by the Board that the Rules could be opened up once a new rule change becomes necessary then the Division could remove the old reference to the OJT.

SB 92
Police Officers Working as Security Officers

Sheriff Merrill discussed S.B. 92 in reference to 58-63-304(2): Exemptions to licensure with regards to police officers working as security officers.

The Board had concerns with liability being too great with police departments and government jurisdictions.

It was determined by the Board to go by the laws already set in place by;

- (a) The law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off-duty as a security officer and the policy shall address the issue of financial responsibility
- (b) The agency's chief administrative officer, or that officers designee, provides written authorization for an off-duty peace officer to work as a security officer and
- (c) The business or entity employing the off-duty peace officer to work as a security officer complies with the state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

Mr. Perry discussed with Mr. Holman under current rules and regulations problems with the current rule requiring a security officer to notify the security company and the security company to notify DOPL with in 72 hours after a security officer has gotten in trouble with the law. It was determined by the Board that security officers do not always notify the company which creates a problem of accountability between security companies and security officers.

The Board suggested that the licensee should notify both the Division and the Security Company in writing. Mr. Holman stated that a rule change would need to take place for that to be enforced.

APPOINTMENTS

Compliance-Susan Higgs

Ms. Higgs reviewed the current status of all probationers.

Mr. Rios

Mr. Rios is a new probationer who will be meeting with Board and is compliant at this time.

Mr. Rubio

This is Mr. Rubio's first meeting as a probationer and is **considered compliant** at this time.

Mr. Montoya

Mr. Montoya's first meeting was in April where it was discovered that he did not have the correct supervision. Mr. Montoya was considered **non-compliant** at that time and his work situation is not compatible with his type of supervision.

Mr. Adams

Mr. Adams is **not in compliance** because he has not yet submitted reports that he was not working.

Mr. Jacobsmeyer

Mr. Jacobsmeyer is not currently working as a security officer but has submitted his reports and is considered **compliant**.

Mr. Gutierrez

Mr. Gutierrez is a new probationer but he is out of state with Homeland Security. Ms. Higgs stated that this will be a phone interview. Ms Higgs also stated that when she talked with Mr. Gutierrez's supervisor, she noted that there was not a supervisor in Tennessee who was on site that could fill out the reports.

Ms. Carpenter

Ms. Carpenter is a new probationer who is **complaint** with her MOU and is not required to meet with the Board because she did receive enough advance notice.

1:15 Anthony Rios

Mr. Rios appeared before the Board for his first probationary interview.

Mr. Perry performed the interview. Mr. Rios stated he is still looking for employment. Mr. Perry asked Mr. Rios if he understood his Memorandum and knows what he needs to do to fulfill his obligations. Mr. Rios answered yes. The Board considers Mr. Rios **compliant** and the Board and would like to see Mr. Rios at the next Board meeting scheduled August 11, 2011.

Joseph Rubio

Mr. Rubio appeared before the Board for his first probationary interview. Mr. Connor conducted the interview.

1:35 pm

Mr. Conner seconded by Mr. Perry made a motion to close the meeting. The motion carried unanimously.

Mr. Perry seconded by Mr. Conner made a motion to re-open the meeting. The motion carried unanimously.

Mr. Rubio asked the Board if he could go to armed security officer license. The Board stated that he would have to reapply for that license then the Board would have to re-evaluate his application.

The Board considers Mr. Rubio **compliant** with his Memorandum and would like to see him at the next Board meeting scheduled August 11, 2011.

Thomas Adams

Mr. Adams appeared before the Board for his scheduled appointment. Mr. Conner conducted the interview. Mr. Adams is not currently employed and was asked if he understood what was in his Memorandum. Mr. Adams replied that he did know what was in his Memorandum.

Mr. Adams is considered **non-compliant** with his Memorandum. The Board would like to see Mr. Adams at the next Board meeting scheduled August 11, 2011.

Andre Montoya

Mr. Montoya did not appear before the Board for his scheduled appointment.

Mr. Tinsley seconded by Mr. Conner made a motion to send a letter of **non-compliance** to Mr. Montoya and review his status at the next Board meeting. The Motion carried unanimously.

Jonathan Jacobsmeyer

Mr. Jacobsmeyer appeared before the Board for his scheduled interview. Mr. Rose performed the interview.

Mr. Jacobsmeyer stated that he has not been working as a security officer at this time. He was informed that his time towards his probation does not count until he is employed as a security officer. The Board considers Mr. Jacobsmeyer compliant with his Memorandum and was told that he would still need to file monthly employer reports. It was suggested if he continues to not work in the industry he could consider surrendering his license.

The Board considers Mr. Jacobsmeyer **compliant** with his Memorandum and would like to see him October 13, 2011 but if Mr. Jacobsmeyer starts work before that, the Board would like to see him at the next scheduled meeting held August 11, 2011.

Rogelio Gutierrez

Mr. Gutierrez met with the Board per a phone interview. This was Mr. Gutierrez' first probationary interview. Sheriff Merrell conducted the interview.

Mr. Gutierrez stated he would be with Homeland Security for up to six months. Sheriff Merrell asked who was supervising him. Mr. Gutierrez stated his supervisor in Tennessee was Victor Ford. It was unclear whether he needed a license in Tennessee. Mr. Gutierrez stated he would give all the information to Ms. Higgs. Mr. Gutierrez also stated he had Richard Hill's number, another supervisor in Tennessee.

It was stated by the Board that Mr. Gutierrez would need monthly reports from his immediate supervisor. The Board also requested that there needs to be communication between his supervisor in Tennessee and his supervisor in Salt Lake City. The Board considers Mr. Gutierrez compliant with his Memorandum.

The Board had concerns on how his supervision was being conducted. Mr. Ormond will call Tennessee to see what their licensing requirements are.

The Board frowned upon probationers leaving the state and determined that this should be included in the memorandum.

Lea Carpenter

Ms. Carpenter did not make her appointment before the Board. Ms. Carpenter will be sent a letter inviting to the next Board meeting due to the fact that she did not receive ample notice for this Board meeting.

Strider Security LLC
QA: Scott Campbell

Mr. Ormond reviewed Strider Security LLC., and Mr. Campbell as the Qualifying agent with the Board. There was a question on Mr. Campbell's experience where he included military time with the Utah National Guard. Mr. Campbell also works for Allied Barton. Mr. Campbell stated there is no conflict of interest between Allied Barton and Strider Security LLC.

Mr. Rose seconded by Mr. Tinsley made a motion to deny licensure for Strider Security LLC., with Scott Campbell as the Qualifying Agent.

Mr. Rose seconded by Mr. Tinsley made a motion to rescind the motion to deny licensure.

Mr. Rose seconded by Mr. Tinsley made a motion to approve Mr. Campbell contingent upon proof of the resolution of the conflict with Allied Barton. The motion carried unanimously.

It was suggested that Mr. Campbell submit a letter to the Division from Allied Barton stating that Mr. Campbell will resign from working in a management capacity signed by

both parties.

Firstline Transportation Security Inc.
QA: Jeremy Burkinshaw

Mr. Burkinshaw appeared before the Board for his scheduled appointment. Mr. Burkinshaw was requesting the approval for Firstline Transportation Security Inc. with himself as the qualifier.

Mr. Burkinshaw is currently a qualifying agent for Mydatt Services Inc., which Mr. Burkinshaw claims will be a part of Firstline Transportation Security Inc. Mr. Burkinshaw explained that the two companies would not be competing with each other.

Ms. Noda from the Attorney General's Office appeared before the Board to explain that it would be simpler for this corporation to have two DBA's.

Mr. Rose seconded by Mr. Tinsley made a motion to deny the application for Firstline Transportation Security Inc. with Jeremy Burkinshaw as the Qualifying Agent due to a conflict of interest because Mr. Burkinshaw was already a qualifier on Mydatt Services Inc. The motion carried unanimously.

ADJOURN: 5:02 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.

August 11, 2011

Date Approved

(ss) Chief Jonny McCoy

Chairperson, Security Services Licensing Board

August 11, 2011

Date Approved

(ss) Clyde Ormond

Bureau Manager, Division of Occupational & Professional Licensing