

MINUTES

**UTAH
SECURITY SERVICES LICENSING BOARD
MEETING**

October 13, 2011

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

CONVENED: 9:00 A.M.

ADJOURNED: 11:20

Bureau Manager:

Clyde Ormond

Board Secretary:

Yvonne King

Board Members Present:

Sheriff Jeff Merrell, Acting Chair
Perry Rose
Alan Connor
John Tinsley
Jack Gardner

Board Members Absent:

Chief Johnny McCoy, Board Chair

Guests:

Russ Shinrock, Securitas Security
Pat Heil, USA
Mladen Bogdanovic, CSI
Mark David, FPK Security
Newel Cutler, SCS
Dick Fisher, PASCO
Aleasha Lambourne, Applicant
Paul Jaroscak, SIS
William Bowyer, SIS
Rogelio Gutierrez, Appointment
Leah Carpenter, Appointment
Joseph Rubio, Appointment

DOPL Staff Present:

Susan Higgs, Compliance Officer
Judge Eklund, Administrative Law Judge

ADMINISTRATIVE BUSINESS:

Approval of the August 11, 2011 Board Meeting Minutes

Mr. Rose seconded by Mr. Tinsley made a motion to approve the August 11, 2011 Board Meeting Minutes as written. The motion carried unanimously.

Hearings Madeleine Hayes & Michael Sornson

There were two hearings scheduled before the Board, Michael Sornson and Madeleine Hayes. Both Hearings were canceled by default. Judge Eklund instructed the Board on further details that will take place.

TOPICS FOR DISCUSSION

Juvenile Criminal History

Mr. Ormond stated when an applicant applies, and has a juvenile record, there will be no records found due to the fact that the Division does not have access to juvenile records. The Division may take a position on this at a later time.

Meeting Appointments for Compliant Probationers

Mr. Ormond asked of the Board if there was a need to see probationers at each meeting when they are in compliance. The Board replied that the first initial visit was important but if the probationer remains compliant, the Board would leave it to the discretion of the Compliance Unit.

Proposed Statute and Rule Changes John Tinsley

Mr. Tinsley presented proposed statutory change to 58-63-304 Exemptions from licensure. Mr. Tinsley also submitted proposed changes to R156-63a-102(4) and (10); Definitions with regard to contract security companies in conjunction with the peace officer and the "qualifying agent". Mr. Ormond explained that statute changes would take legislative action.

Mr. Tinsley explained that the purpose of the changes were to clarify a Peace officer's exemption to licensure as a security officer.

Mr. Tinsley also had concerns with a full time peace officer being the qualifying agent on a contract security company due to the conflict of interest, and the liability a peace officer may incur when acting as a contract security company.

The Board noted that they would have to continue to resolve each issue concerning those concerns on a case by case basis.

The Board took no action at that time. Mr. Tinsley requested the Board further review the changes.

Overview of Affinity Testing Services Kent Barnes

The overview of Affinity Testing Services will be tabled at the next Board meeting scheduled December 8, 2011.

Investigative Report

Mr. Ormond reviewed the investigative report from September 2010 to October 2011 with the Board. Mr. Ormond noted that there were 71 cases received, 69 cases assigned, 12 open complaints and a total of 94 closed complaints.

APPOINTMENTS Susan Higgs, Compliance

Ms. Higgs presented a compliance report on all the probationers.

Joseph Rubio

Ms. Higgs stated that Mr. Rubio has not submitted supervisor reports for September and is considered non-complaint at this time.

Rogelio Gutierrez

Ms. Higgs stated that Mr. Gutierrez is compliant, has submitted all employee reports and requested an early termination from his probation. Sheriff Merrell read a letter Mr. Gutierrez wrote requesting the early release.

Lea Carpenter

Ms. Higgs stated that Ms. Carpenter is in compliance but is not working in the field at this time.

Andre Montoya

Ms. Higgs stated that Mr. Montoya is not in compliance. Mr. Montoya has failed to submit employer reports for July and September and has not signed up for the drug screening. Ms. Higgs also stated that Mr. Montoya was sent a non-compliance letter. Ms. Higgs recommended initiating an Order to Show Cause.

Joseph Rubio

Mr. Rubio came before the Board for his scheduled appointment however he was over an hour late. Mr. Connor conducted the interview. Mr. Connor asked Mr. Rubio why he was late turning in his paper work and Mr. Rubio stated that he had left it at another address. The Board noted that Mr. Rubio was not in compliance with his Memorandum.

Mr. Rubio then stated that he was involved in a criminal incident. The Board stated that if charges do occur he must notify DOPL. Mr. Ormond stated he would follow up on that with Investigations.

Mr. Connor seconded by Mr. Gardner made a motion to require Mr. Rubio appear before the Board on the next meeting scheduled December 8, 2011. The motion carried unanimously.

Rogelio Gutierrez

Mr. Gutierrez appeared before the Board for his probation interview. Sheriff Merrell conducted the interview.

Mr. Gutierrez was requesting early termination of his probation. Mr. Gutierrez also stated that he is in the process of obtaining an expungement of his charge and would like to move forward.

Sheriff Merrell seconded by Mr. Connor made a motion to deny early release from Mr. Gutierrez's probation but to require Mr. Gutierrez to appear before the Board in

February 2012 then in April of 2012. The motion carried unanimously.

Lea Carpenter

Ms. Carpenter appeared before the Board for her probation interview. Mr. Rose conducted the interview.

Ms. Carpenter stated that she still is not working in the field and has not received word of when she will be leaving for Afghanistan. Ms. Carpenter was considered complaint with her Memorandum.

Mr. Perry seconded by Mr. Tinsley made a motion to not require Ms. Carpenter to meet with the Board until she is working in the field as long as she remains compliant. The motion carried unanimously.

Aleasha lambourne

Ms. Lambourn appeared before the Board for her scheduled appointment. Ms. Lambourn explained the charges which have now been resolved. Ms. Lambourn stated that she is in the process of obtaining an expungement on the charge.

Mr. Rose seconded by Mr. Tinsley made a motion to approve Ms. Lambourne for full licensure as an Unarmed Security Officer. The motion carried unanimously.

Andre Montoya

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

Mr. Gardner seconded by Mr. Tinsley made a motion to initiate an Order to Show Cause. The motion carried unanimously.

Armondo Borge

Mr. Ormond reviewed the application for Mr. Borge. Mr. Borge was applying for licensure as an Unarmed Security Officer. Mr. Ormond reviewed his criminal history. Due to the charges being so recent, the Board felt it was too soon to approve Mr. Borge for licensure.

Mr. Rose seconded by Mr. Connor made a motion to deny Mr. Borge licensure as an Unarmed Security Officer. The motion carried unanimously.

Katrina Brown

Mr. Ormond reviewed the application for Ms. Brown which included a criminal history.

Mr. Gardner seconded by Mr. Tinsley made a motion to deny Ms. Brown licensure as an Unarmed Security Officer. The motion carried unanimously.

FPK Security, Mark David
QA: Amanda Cardone

Mr. David appeared before the Board for his scheduled appointment. Mr. David is the owner of FPK Security and explained the set up of the company.

The Board then conducted a telephone interview with Amanda Cardone who applied as the Qualifying Agent.

Mr. Conner seconded by Mr. Gardner made a motion to approve FPK Security as the licensed contract security company and Amanda Cardone as the Qualifying agent contingent on the outcome of the fingerprints. The motion carried unanimously.

Security Industry Specialist
QA: Paul Jaroscak

Mr. Jaroscak appeared before the Board for his scheduled appointment. Mr. Jaroscak was applying for the replacement of qualifying agent for Security Industry Specialist. Due to the fact that Mr. Jaroscak had fulltime employment with law enforcement, the Board felt there would be a conflict of interest.

Mr. Tinsley seconded by Mr. Rose made a motion to deny Mr. Jaroscak as the replacement for qualifying agent for Security Industry Specialist based on a conflict of interest. The motion carried unanimously.

William Bowyer

Mr. Bowyer appeared before the board for his scheduled appointment. Mr. Ormond reviewed the criminal history.

Mr. Conner seconded by Mr. Gardner made a motion to approve Mr. Boyer licensure as an Unarmed Security Officer on a probationary status for two years with general supervision. The motion carried unanimously.

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 8, 2011
Date Approved

(ss) Jeff Merrell
Chairperson, Security Services Licensing Board

December 8, 2011
Date Approved

(ss) Clyde Ormond
Bureau Manager, Division of Occupational & Professional Licensing