

**MINUTES**  
**SECURITY SERVICES LICENSING BOARD**  
**February 8, 2007 - 9:00 a.m.**  
**Room 475**  
**Heber M. Wells Building**  
**160 E. 300 S. Salt Lake City, Utah**

**CONVENED:** 9:08 a.m.

**ADJOURNED:** 2:40 p.m.

**PRESENT:**

Clyde Ormond, Bureau Manager  
Jacky Adams, Board Secretary

Board Members:

Jim Young                      John McCoy  
Marci McGregor              Paul Roth  
Clayton Merchant

**ABSENT:**

Rick Hawkins

**GUESTS:**

Robert Anderton, PACSCO (Professional Alliance of Contract Security Companies); John Schroen, Division of Occupational and Professional Licensing Investigator; Michael Paul Adams, SOS Security; Roy Waters, Metro Protective Services.

**TOPICS FOR DISCUSSION:**

**DECISIONS**

**AND**

**RECOMMENDATIONS:**

**ADMINISTRATIVE BUSINESS:**

Approve Minutes from the  
December 14, 2006 meeting

Ms. McGregor second by Mr. Rothe made a motion to approve the December 14, 2006 Board Meeting minutes with corrections, the motion carried unanimously.

**APPOINTMENTS:**

9:45 a.m. Sill, Jesse

Ms. Sill appeared for her scheduled appointment with the Board. Mr. Ormond reviewed Ms. Sill's application for licensure as an Unarmed Private Security Officer, explaining that Ms. Sill plead guilty to a DUI charge on March 16, 2005, which was held in abeyance and was later dismissed on October 5, 2005. The plea in abeyance agreement required Ms. Sill to complete a 12-month probation, 48 hours of community service, and complete a Drug and Alcohol treatment program.

After a brief discussion, Ms. McGregor seconded by Mr. McCoy made a motion to recommend full licensure to Ms. Sill, based on completion of all court requirements and length of time since the charge, the motion carried unanimously.

***BREAK***

10:00 a.m. Discussion Items

Mr. Ormond explained that Mr. Stair's hearing had been canceled due to Mr. Stair signing a Stipulation and Order, which placed him on probation for 2-years, and requires him to complete all requirements of his court ordered probation.

Mr. Ormond then explained that Mr. Beckstrom's hearing would be vacated due to the Board's previous involvement in this case. Mr. Ormond will review Mr. Beckstrom's application for renewal of Unarmed Private Security Officer license. Mr. McCoy commented that he did not realize that the Division could vacate a Board decision. Mr. Ormond then reminded Mr. McCoy that this Board is an Advisory Board and that all of their decisions can be overturned at the Divisions discretion. However, the Division will usually follow the Boards recommendations.

11:30 a.m. Collins, Joshua

Mr. Collins appeared for his scheduled appointment with the Board. Mr. Ormond reminded Mr. Collins that this is not a hearing. Mr. Ormond then reviewed Mr. Collins' application for renewal of Armed Private Security Officer license, explaining that Mr. Collins plead guilty to Disorderly Conduct on May 12, 2005, which was held in abeyance for 12-months, and was later dismissed on May 12, 2006.

After a brief discussion, Mr. McCoy seconded by Ms. McGregor made a motion to recommend renewal of licensure, based on the length of time since the charge and completion of all court requirements, the motion carried unanimously.

12:00 p.m. McGee, Dianne

Ms. McGee appeared for her scheduled appointment with the Board. Ms. McGee last appeared before the Board at the December 14,

2006 meeting. Due to a medical problem Ms. McGee's application review was postponed until this meeting.

Mr. Ormond explained that Ms. McGee's license as a CNA (Certified Nurses Assistant) was revoked on October 4, 2006 due to "allegations of misappropriation of resident property". Ms. McGee explained that the resident had requested that Ms. McGee take the money for safekeeping, and that the money was returned to the administrator of the facility.

After a brief discussion, Mr. Merchant seconded by Mr. Rothe made a motion to recommend approval of Ms. McGee's license as an Unarmed Private Security Officer, contingent upon proof the funds had been returned to the resident, the motion carried unanimously.

A letter was later received from Ms. McGee's attorney Steven Baeder stating that all funds had been returned to the administrator at the care facility. Ms. McGee's license was issued with no restrictions.

### ***LUNCH***

1:15 p.m. Downard, Robert

Mr. Downard was unavailable to appear for his scheduled appointment with the Board, Mr. Schroen attended the Board meeting in his place. Mr. Schroen submitted a "Summary of Investigation Activity Year end 2006". He then explained that the numbers are not exact due to some 2005 investigations being closed in 2006 and 2006 investigations remaining open into 2007. Mr. Schroen also explained that some cases are reported under one title, and then closed under a different title, due to investigation findings.

Mr. Anderton explained that the public can file a complaint or view closed case descriptions on the Divisions web site at [www.dopl.utah.gov](http://www.dopl.utah.gov).

1:30 p.m. Eike, Matthew

Mr. Eike initially did not appear for his scheduled appointment with the Board. Mr. Merchant

seconded by Ms. McGregor made a motion to recommend an Order to Show Cause hearing, the motion carried unanimously.

Mr. Eike then appeared for his scheduled appointment with the Board. Ms. McGregor seconded by Mr. McCoy made a motion to resend the initial motion, the motion carried unanimously.

Mr. Eike explained that he had not attended his last appointment with the Board on December 14, 2006, due to an illness. And he had not submitted his required quarterly "Employer Report", because his current employers attorney had explained to him that since he was not working for a Contract Security Company the company was not required to comply with this portion of Mr. Eike's MOU. Mr. Ormond requested a letter be submitted to the Division outlining what the attorney had stated, and Mr. Ormond will review Mr. Eike's MOU to determine its requirements in this case.

Mr. Eike then explained that he might be returning to Contract Security in the fall, of 2007. It was then determined that Mr. Eike will be in compliance with his MOU once he submits an "Employer Report" and he will meet next with this Board on April 12, 2007, at 1:15 p.m., with a current "Employer Report".

1:45 p.m. Perfili, John

Mr. Perfili appeared for his scheduled appointment with the Board. He explained that he is currently working for Davis Security. A positive "Employer Report" was submitted from his direct supervisor Monique Jackman. Mr. Ormond then explained the requirements of Mr. Perfili's MOU.

Mr. Perfili will meet again with the Board on June 14, 2007, at 9:00 a.m., with a current "Employer Report".

2:00 p.m. Simon & Simon Investigations –  
Qualifying Agent Gregory Simon

Mr. Simon attended his scheduled appointment with the Board. Mr. Ormond reviewed Mr. Simon's application for licensure as a Contract Security Company with himself as the Qualifying Agent,

explaining that Mr. Simon meets all requirements for approval as the Qualifying Agent for this Company.

It was noted that the Company application is missing:

- Proof of registration with the Division of Corporations and Commercial Code;
- Certificate of General Liability Insurance; and
- A Utah State Tax Identification number.

Mr. McCoy seconded by Mr. Rothe made a motion to recommend approval of Mr. Simon as the Qualifying Agent for Simon & Simon Investigations contingent upon receipt of missing information, the motion carried unanimously.

2:15 p.m. Pinkerton Government Services –  
Qualifying Agent Jonathan Thurman

Mr. Thurman attended his scheduled appointment with the Board. Mr. Ormond reviewed Pinkerton Government Services' Change of Qualifying Agent application with Mr. Thurman as the Qualifying Agent. Mr. Thurman meets all requirements for approval as the Qualifying Agent for this Company.

Mr. McCoy seconded by Mr. Merchant made a motion to recommend approval of Mr. Thurman as the Qualifying Agent for Pinkerton Government Services, the motion carried unanimously.

2:30 a.m. Day & Zimmerman LLC –  
Qualifying Agent Dennis Murray

Mr. Murray attended his scheduled appointment with the Board. Mr. Ormond reviewed Mr. Murray's application for licensure as a Contract Security Company with himself as the Qualifying Agent, explaining that Mr. Murray meets all experience requirements for approval as the Qualifying Agent for this Company.

Ms. McGregor seconded by Mr. McCoy made a motion to recommend Mr. Murray as the Qualifying Agent for Day & Zimmerman, LLC, contingent upon proof of a passing score on the UT Contract Security Company Exam and clear criminal history on Mr. Murray and all Officers of the Company, the motion carried unanimously.

**DISCUSSION ITEMS:**

58-63-307

Mr. Ormond requested clarification of Utah Code §58-63-307 as it relates to this profession. It was determined the PACSCO would review this section of the Statute then propose any changes.

58-63-102(2) & 58-63-501(3)

The Division received an email regarding the intent of Utah Code §58-63-102(2) and 58-63-501(3). The email questioned if an armed security officer can work as an unarmed security officer, without holding an unarmed security officer license. Mr. Ormond explained that 58-63-501(3) states “Unlawful conduct includes practicing or engaging in, or attempting to practice or engage in activity for which a license is required under this chapter, unless the individual:

a. Holds the appropriate license under this chapter”

Mr. Ormond further explained that it is unlawful for an armed officer to work as an unarmed officer without holding both licenses.

Mr. Waters commented that due to the additional training that an armed officer undergoes they should be entitled to stand either post. Mr. Anderton stated that since this profession was initially licensed, it has been assumed that an armed officer could stand an unarmed post. He then added that in his opinion that only half of the currently licensed armed officers stand an armed post, he then suggested that the Division should allow this practice. Mr. Ormond commented that to allow this practice would require a Statute change.

Mr. Waters commented that the issue would depend on if the armed officer was working an unarmed post with or without a weapon. If the officer has access to a weapon, it should be an issue. However, if the officer does not have access to a weapon it should not be an issue. Ms. McGregor stated that the liability to the company could be huge if this situation arose. She then stated that she felt a statute change should occur, adding a stipulation that would allow this only if the officer does not have access to a weapon. Ms. McGregor then questioned

Mr. Anderton, if this situation has occurred in the past. Mr. Anderton stated “No”, but if it did the officer would be terminated from his company. Mr. Adams agreed stating that even if an unarmed officer has a Concealed Carry Permit, the officer would be terminated if they had access to their weapon while on duty.

Mr. Rothe commented that to require officers to hold two or three licenses was not acceptable, due to the amount of money they make, and the cost involved. Mr. Merchant, Mr. Waters and Ms. McGregor agreed, stating that the Division should find a way to reduce the fees instead of adding fees. Mr. Waters then suggested licensing this profession similar to a Peace Officer:

1. Unarmed – can only stand an unarmed post;
2. Armed – can stand either an armed or unarmed post;
3. Unarmed Armored Car – can stand an unarmed post or as unarmed armored car; and
4. Armed Armored Car – can stand any post, and unarmed or armed armored car.

Ms. McGregor expressed her approval of this idea, adding that strict guidelines would need to be followed.

Mr. Ormond commented that 58-63-304 seems to imply that a Peace Officer does not need to be licensed as a security officer, qualifying agent, or as a Contract Security Company. Mr. McCoy and Mr. Merchant stated that several police agencies allow there off duty Peace Officers to work Security. However, the police agency does not allow their equipment to be utilized while the Peace Officer is working as a security officer.

Mr. Ormond stated that 58-63-301 and 58-63-304 might also need to be reviewed, and that a section concerning concealed weapons permits, might need to be added. Mr. Anderton agreed, stating that he would look into the suggested changes.

Mr. Anderton stated that at the 2008 legislative session the profession could propose a “Housekeeping” bill to clear up this issue and any

other discrepancies with the current statute. Mr. Ormond agreed, suggesting waiting until the 2008 legislative session to ensure that all issues are addressed. Mr. Waters expressed a concern with the changes not being made soon. Due to the cost involved if a Security Officer must hold both an unarmed and an armed license, this would require an additional \$99.00 per license. Mr. Ormond agreed, and then explained how the fee is allocated once received by this Division.

Mr. Young then reminded the Board that if HB181 passes the licenses and training will change for contact security and armored car. Mr. Ormond agreed, stating that there will need to be changes to the training requirements.

Proposed Rules

This discussion topic was postponed due to HB181, still pending in the Legislature.

Choose a Board member to review applications and other issues

Mr. Ormond explained that in the future in order to not recuse the Board from a potential hearing. All renewal reviews will be reviewed first by the Division and if a more experienced opinion is needed a Board member will be contacted. Mr. Ormond requested a volunteer from the Board, Ms. McGregor agreed to review the required applications as needed.

**CORRESPONDENCE:**

Utah Law & Rule Score Results

Mr. Ormond reviewed the Utah Contract Security Company Exam score results, explaining that since this exam was last re-written the pass rate has dropped about 50%. Mr. Young commented that a drop in the pass rate is good, due the difficulty of the exam.

Mr. Ormond then explained that Jeffery Barber of Thompson Prometric is aware of the problems the Division is having with the exams, he is working on resolving all issues.

Deseret Morning News Article –  
An Outrageous Position  
taken

This article was reviewed with, no further action

**NEXT SCHEDULED MEETING:**  
April 12, 2007 –Hearings 9:00 and 10:00 a.m.

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DATE APPROVED

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CHAIRPERSON, CONTRACT SECURITY  
SERVICES

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DATE APPROVED

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BUREAU MANAGER, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL  
LICENSING