

MINUTES

**UTAH
Security Services Licensing Board
MEETING**

October 11, 2007

**Room 474 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:03 am

ADJOURNED: 1:11 p.m.

Bureau Manager:

Clyde Ormond

**Acting Board Secretary:
Board Secretary:**

Kristy Heap
Jacky Adams

Board Members Present:

Marci McGregor, Chairperson
Paul K Rothe
James Young
Sheriff Merrell
Johnny McCoy
Clayton Merchant

Board Members Absent:

Guests:

Robert Anderton (Peak Alarm & PACSCo Chairperson)
Matthew Eike
Tina Hansen (AT Systems)
Onolina Viliamu (Salt Lake Valley Protective Agency)
John Tinsley (Centrion Security)
Charles Thorsted (Security Consultants Group, Inc.)
Wayne Wright (Diamond Detective Agency)
Jairus Duncan (Covenant Security Group)
Dustin McCain (Covenant Security Group)
Cody Cross (Certified Security Solutions LLC)
Henry Surowiec (Certified Security Solutions LLC)
Mike Wright (Certified Security Solutions LLC)
Perry Rose (Pride Security)
William Sandoval (Pride Security)

DOPL Staff Present:

F David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Minutes from April 12, 2007

Mr. Merchant moved to approve the April minutes, seconded by Mr. McCoy, the motion carried unanimously.

Minutes from June 14, 2007

Mr. Merchant moved to approve the June minutes, seconded by Mr. McCoy, the motion carried unanimously.

Minutes from August 9, 2007

Mr. Merchant moved to approve the August minutes, seconded by Mr. McCoy, the motion carried unanimously.

Mr. Merchant nominated Ms. McGregor as the new chairperson, seconded by Sheriff Merrell, the motion carried unanimously.

APPOINTMENTS:

9:15 a.m. Eike, Matthew – Probation Interview

Mr. Eike appeared for his scheduled probation appointment with the Board. Mr. Ormond reviewed his file. Mr. Eike claims to have given his Employer Reports to a Mr. Nate Harris. Ms. McGregor suggested faxing them in to the Division today.

After a brief discussion, it is determined by the Board that Mr. Eike is not in compliance with his MOU (Memorandum of Understanding), due to his Employer Reports not being submitted to the Division. A non compliance letter will be sent to Mr. Eike. Mr. Eike will meet with the Board again on Dec 13, 2007 at 9:15 a.m.

9:30 a.m. AT Systems Security Inc. – QA, Hansen, Tina

Ms. Hansen appeared for her scheduled appointment with the Board. Ms. Hansen is applying to become the QA (Qualifying Agent) for AT Systems Security Inc.

After a brief discussion and review of Ms. Hansen's file and resume it was determined that Ms. Hansen has met all the requirements for approval as the QA for AT Systems Security Inc.

Mr. McCoy motioned, seconded by Mr. Rothe, that Ms. Hansen is approved to be the QA for AT Systems Security Inc., the motion carried unanimously.

9:45 a.m. Perfili, John – Probation Interview – Telephone

Mr. Perfili was available for his telephone probation interview. Mr. Perfili has moved to Washington DC where he is working for the Department of Defense.

Mr. Ormond reviewed Mr. Perfili's file. Mr. Perfili indicated that his charge had been dismissed, and that he would fax to the Division the court documents. Mr. Ormond made it known that it was not the charge, but it was the unprofessional behavior that had him placed on probation. Mr. Ormond explained he must either keep in compliance with his MOU or surrender the license. Mr. Perfili would like to surrender license with no negative connotations. Mr. Ormond will investigate the surrender of license under other conditions.

Mr. McCoy reminded Mr. Perfili of the importance and seriousness of the proceedings of his probation.

Mr. Ormond later reviewed the procedure for a probationer to surrender a license, with Ms. Jensen, Attorney General Representative. Ms. Jensen informed Mr. Ormond that Mr. Perfili must complete his probation, unless the division is willing to release him. Mr. Ormond determined that releasing Mr. Perfili was not appropriate at this time.

10:00 a.m. Nahley, Christopher – Probation Interview

Mr. Nahley did not attend his scheduled probation appointment with the Board.

Mr. Nahley was an employee for Command Protection Services.

Command Protection Services has notified us that Mr. Nahley has moved. Under the conditions of Mr. Nahley's MOU it states that he shall notify the Board in writing within on week of any changes of employer, employment status, or practice status.

After a brief discussion it is determined that he is not in compliance with his MOU, due to Mr. Nahley not notifying the Board of his change of employer. Mr. Merchant made the motion for a non compliance letter to be sent to Mr. Nahley. Sheriff Merrell seconded the motion. The motion carried unanimously.

10:15 a.m. Viliamu, Onolina – Probation Interview

Ms. Viliamu appeared for her scheduled probation appointment with the Board. Ms. Viliamu submitted a positive Employer Report from Salt Lake Valley Protective Agency, signed by Direct Supervisor Mr. Michael Vigil.

Mr. Ormond explained that we need a copy of the cleared plea in abeyance. And that Ms. Viliamu must give her employer a copy of the MOU.

After a brief discussion, Ms. Viliamu was taken to meet with Ms. Higgs who explained all of the requirements of this probation with Ms. Viliamu. She will meet again with the Board on December 13, 2007 at 10:15 a.m.

10:45 a.m. Metro Protective Agency – QA, Murray, Dennis

Mr. Murray contacted the Division prior to his scheduled appointment with the Board, due to a previous engagement he would be unable to attend this meeting. Mr. Ormond reviewed Metro Protective Agency's application for replacement of QA application with Mr. Murray as the proposed QA.

Mr. Anderton explained that he had received an email from "a concerned citizen" stating that Mr. Murray is not a fulltime employee of Metro Protective Agency. The "concerned citizen" continued adding the he felt that both the Board and the Division are using unfair practices to determine who was qualified to obtain licensure within this State. Mr. McCoy commented that the email had no conclusive evidence, he did not feel that the email should be taken into account in this case, the Board agreed, adding that if the "concerned citizen" had proof of these allegations he should forward the information to DOPL (Division of Occupational a Professional Licensing) Investigations.

Mr. Ormond attempted to contact Mr. Murray via phone. However, Mr. Murray was unavailable. After a detailed discussion Mr. McCoy seconded by Mr. Merrill made a motion to approve Mr. Murray as the QA for Metro Protective Agency, contingent upon proof that Mr. Murray will be a fulltime employee of this company, the motion carried unanimously.

Ms. Adams and Mr. Ormond later received messages from Mr. Murray apologizing for not being available during the Board Meeting. Mr. Ormond contacted Mr. Murray and determined that he is a part-time employee of Metro Protective Agency and a full-time Code Enforcement Officer for West Valley City Police Department. The Division and Ms. McGregor determined that Mr. Murray meets the qualifications for approval as the QA for

Metro Protective Agency.

11:00 a.m. Pride Investigations – QA, Rose, Perry

Mr. Rose and Mr. Sandoval appeared for their scheduled appointment with the Board. Mr. Rose is applying to become the QA for Pride Investigations, LLC. Mr. Ormond reviewed the application explaining that Mr. Rose met all requirements for approval with the exception of passing the appropriate exam.

Mr. Anderton explained that Pride Investigations, LLC was issued a Cease and Desist order by the Division on August 23, 2007 he then added that to his knowledge Pride Investigations, LLC has continued to work as a Contract Security. Mr. Rose then explained to the Board that due to a misunderstanding with the Department of Public Safety, he had begun working as a Contract Security Company. He then added that as soon as he was notified of the misunderstanding he has ceased working as a Contract Security Company, and has only been performing duties that are under the scope of practice of his Private Investigators licenses.

After a detailed discussion Mr. Rothe seconded by Mr. Young made a motion to table this application until the Division receives proof that Mr. Rose has not been working as a Contract Security Company, the motion carried unanimously.

After the meeting adjourned Mr. Ormond and Mr. Davis (Division Chief Investigator) reviewed Pride Investigations, LLC's application for licensure, and determined that there was no proof of Mr. Anderton's allegations. Pride Investigations LLC's license was issued and Mr. Rose was approved as the QA for this company.

11:15 a.m. Security Consultants Group Inc – QA, Thorsted, Charles

Mr. Thorsted appeared for his scheduled appointment with the Board. Mr. Ormond explained that Mr. Thorsted will be replacing Mr. Anderton as the QA for Security Consultants Group Inc, and that Mr. Thorsted is not the QA for any other Companies at this time.

After a detailed discussion Mr. Rothe seconded by Mr. Young made a motion to approve Mr. Thorsted as the QA for Security Consultants Group, Inc, the motion carried unanimously.

11:30 a.m. Diamond Detective Agency – QA, Wright, Wayne

Mr. Wright appeared for his scheduled appointment with the Board. Mr. Ormond explained that Mr. Wright will be replacing Mr. Thorsted as the QA for Diamond Detective Agency, and that Mr. Wright meets all requirements for approval as the QA for this company.

After a detailed discussion Mr. Merrill seconded by Mr. Young made a motion to approve Mr. Wright as the QA for Diamond Detective Agency, the motion carried unanimously.

12:00 a.m. Covenant Security Group LLC – QA, Duncan, Jairus

Mr. Duncan and Mr. McCain appeared for their scheduled appointment with the Board. Mr. Ormond reviewed Covenant Security Group, LLC's application for licensure as a Contract Security Company, with Mr. Duncan as the QA, adding that Mr. Duncan seemed to meet all requirements for approval.

After a brief discussion Mr. Duncan and Mr. McCain admitted to soliciting for business in Davis County. Ms. McGregor reminded Mr. Duncan and Mr. McCain that they may not begin to solicit for business until after they have been approved for licensure.

Mr. Merchant seconded by Mr. McCoy made a motion to request DOPL Investigations review the company to determine if they have been working without a license, the application was table until an investigation could be completed, the motion carried unanimously.

After the meeting adjourned Mr. Ormond and Mr. Davis reviewed the issues regarding Covenant Security Group, LLC, and determined that the Board's responsibility was to determine if Covenant Security Group, LLC, with Mr. Duncan as the QA met the requirements for licensure. Based on this decision Mr. Duncan was approved to be the QA for Covenant Security Group LLC, contingent upon clear criminal history.

12:15 a.m. Certified Security Solutions LLC – QA,
Wright, Michael

Mr. Wright and Mr. Cross appeared for their scheduled appointment with the Board. Mr. Ormond explained that Mr. Cross is applying for licensure as a Contract Security Company with Mr. Wright as his QA. Mr. Ormond then explained that Mr. Cross submitted a complete application on October 4, 2007, with the exception of Mr. Wright passing the appropriate exam.

Mr. Anderton reminded the Board that Mr. Cross last appeared before this Board on April 13, 2006. Mr. Cross was denied approval as the QA for Black Ops Security. Mr. Wright stated that this company will be in full compliance with all Division and State Statutes and Rules. After a detailed discussion Mr. McCoy seconded by Mr. Rothe made a motion to approve Mr. Wright as the QA for Certified Security Solutions LLC, contingent upon passing the appropriate exam, the motion carried unanimously.

DISCUSSION ITEMS:
Approved Training Programs

Mr. Ormond updated the Board on the last Education Advisory Committee meeting on October 9, 2007.

Chenega Security & Protection Services – Submitted a one hundred and thirty one and a half hour program, on October 5, 2007. Mr. Ormond explained that the Education Advisory Committee recommended approving the program contingent upon receipt of a syllabus for each section of the program, and for the exam to be divided into two. The first exam should cover the initial eight hours of training and the second should cover the remainder.

Mr. Merrell seconded by Mr. Young made a motion to accept the Education Advisory Committee's recommendation, the motion carried unanimously.

AlliedBarton Security Services – Mr. Ormond explained that the Education Advisory Committee recommended approving the program contingent upon rewriting the program to meet all requirements of R156-63-603 (1).

Mr. Young second by Mr. Merrell, made a motion to accept the Education Advisory Committees recommendation, the motion carried unanimously.

Centurion Security – Mr. Ormond explained that the Education Advisory Committee recommended approving this program, with no changes.

Mr. Merrell seconded by Mr. Merchant, made a motion to accept the Education Committees recommendation, the motion carried unanimously.

ABM Security Services – Mr. Ormond explained that the Education Advisory Committee recommended approving the program contingent upon receipt of a syllabus for each section of the program.

Mr. Merchant second by Mr. Young, made a motion to accept the Education Advisory Committees recommendation, the motion carried unanimously.

PACSCo - Mr. Ormond explained that the Education Advisory Committee recommended approving the program contingent upon receipt of a syllabus for each section of the program.

Mr. Young second by Mr. Rothe, made a motion to accept the Education Advisory Committees recommendation, the motion carried unanimously.

Definition of “Direct Supervision”

Mr. Ormond addressed the Board explaining that the Legislative Review Committee felt that there is no conformity in how any of the Divisions professions define “Supervision”. Mr. Ormond explained that Mr. Stanley is proposing adding a section to R156-1 which will primarily define three levels of Supervision; Direct Supervision, Indirect Supervision, and General Supervision.

Mr. Rothe seconded by Mr. McCoy then made a motion to adopt the proposed changes, the motion carried unanimously.

PACSCO – Rules Change R156-63-613

Mr. Ormond explained that at the last Board meeting on August 9, 2007, Mr. Anderton had reviewed a letter, which he had submitted to the Division, recommending modifying R156-63-613 to “require security companies to notify DOPL in the event a Wage & Hour claim is filed for unpaid wages in excess of \$350.00” Mr. Anderton had explained that PACSCo was concerned with this issue, based on if a company is not appropriately paying their employees they may not be keeping their required insurances in tact. Mr. Anderton further had explained that at minimum it would alert the Division that a company may not be in compliance with the established insurance requirements.

After a detailed discussion it was determined that Mr. Ormond would obtain an Attorney General opinion regarding if this issue would require a Statute change.

Mr. Anderton commented that PACSCo will be trying to get SB174, the Armored Car Bill through legislature again this coming year. He then added that they will also be adding a new section which will allow Armed Security Officers to work as an Unarmed Security Officer.

Proprietary Supervisory Experience

Mr. Ormond reminded the Board that at the last meeting on August 9, 2007, that 58-63-302 (1)(c)(ii) "Qualifications for Licensure for a Contract Security Company, QA" was discussed. Mr. Ormond had informed the Board that the Statute does not appear to allow for experience from a Proprietary Security Company to be accepted to become a QA for a Contract Security Company. Due to the number of inquiries, Mr. Ormond had questioned if the experience from a Proprietary Security Company was equal to that of a Contract Security Company. Mr. Rothe had stated that he has worked for both Contract and Proprietary Companies adding that he did not feel that Proprietary experience was equal to the current Contract Security requirements

After a brief discussion it was determined that Proprietary experience is not equal to the current Contract Security requirements. However, PACSCo will review the issue and determine if the Statute should be changed to allow Proprietary experience in the future.

Budget – Expenditures

Mr. Ormond explained that there is more than \$7000.00 available in the Budget.

After a brief discussion, it was suggested to send Mr. Ormond or other Division Staff or Board Members to Profession related conferences or training.

PACSCO Meeting - October 30, 2007

Mr. Anderton reminded the Board that PACSCo's next association will be on October 30, 2007, at 9:00 a.m. in Room 474, of the Heber Wells Building.

ADJOURN:

Mr. Rothe seconded by Mr. Merrell made a motion to adjourn this meeting, 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.

February 14, 2008
Date Approved

(ss) Marci McGregor
Chairperson, Security Services Licensing Board

February 14, 2008
Date Approved

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