

# MINUTES

## UTAH Security Services Licensing Board MEETING

August 12, 2010

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

**CONVENED:** 9:05 a.m.

**ADJOURNED:** 3:43 p.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Chief Johnny McCoy –Chairperson  
Sheriff Jeff Merrell  
Kristy Kober  
John Tinsley  
Perry Rose

**Board Members Absent:**

Alan Conner

**Guests:**

RC Anderton – PACSCo (Professional Alliance of  
Contract Security Companies)  
Lynette Phillips – USA (Utah Security Association)  
Tina Hansen – Andrews International  
Russell Shinrock – Securitas Security  
Kourosh Vahdani – Echelon Security  
Jonathan Jacobsmeyer – Peak Alarm  
William Sandoval – Pride Security  
Joe Chapman – Chapman Security  
Derek Green – Loomis Armored  
Jairus Duncan – TIBA / Garda  
Gary Oliverson – Go Security  
David Staley – DLS Training  
Kory Newbold – Go Security  
Paul Adams – SOS Security  
Derrick Phillips - CashMan  
Jim Eckley – SOS Security  
Gerald Saldivar – CSC  
Pat Hail – Peak Alarm  
Roy Waters – ABM  
Shawn Harman  
Kelsee Webb

Brian Grob

**DOPL Staff Present:**

Ray Walker – Regulatory & Compliance Officer  
Rhonda Trujillo – Compliance  
Andy Free – Investigations  
Tracy Drage – Compliance  
Kent Barnes – Compliance

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Welcome Ms. Kristy Kober as a Board Member

Mr. Ormond issued the Oath of Office to Ms. Kober and welcomed her to the Board.

Election of 2010-2011 Board Chairperson

Chief McCoy made a motion to elect Sheriff Merrell as the 2010–2011 Board Chairperson. This motion failed due to lack of a seconded.

Sheriff Merrell seconded by Mr. Rose made a motion to re-elect Chief McCoy as the 2010-2011 Board Chairperson. The motion carried unanimously.

Board Member Training

Mr. Ormond conducted a PowerPoint Presentation regarding the Duties and Responsibilities of a Board Member.

Approval of the April 15 and June 10, 2010 Board Meeting Minutes

Mr. Rose seconded by Sheriff Merrell made a motion to approve the April 15, 2010 Board Meeting Minutes. The motion carried unanimously.

Mr. Rose seconded by Sheriff Merrell made a motion to approve the June 10, 2010 Board Meeting Minutes. The motion carried unanimously.

**APPOINTMENTS:**

9:30 a.m. Compliance

Ms. Trujillo explained:

Mr. Grob is compliant with his MOU (Memorandum of Understanding), is currently not working in this profession, Employer Reports are being submitted as required. She then reminded the Board, due to Mr. Grob not working in this profession he is ineligible to be released from this probation, until he establishes a period of employment.

Ms. Webb is compliant with her MOU, has had two (2) negative controlled substance tests. It was then explained Ms. Webb must submit documentation of the final disposition of all court charges. Ms. Trujillo requested the Board remind Ms. Webb, her Employer Reports are due on the first of the month, and she will be non-compliant if they are submitted late in the future.

Mr. Jacobsmeyer was placed on probation on July 28, 2010. This will be his first meeting with the Board, and is currently compliant with all requirements of his probation.

Ms. Trujillo then introduced Ms. Drage, and explained due to Ms. Trujillo's increased workload Ms. Drage will be the Compliance Assistant for this profession, beginning at the October 14, 2010 meeting.

9:45 a.m. Grob, Brian

Mr. Grob appeared for his scheduled probationary appointment with the Board. Mr. Rose questioned Mr. Grob regarding his employment status within this profession; Mr. Grob indicated he had been unable to secure a position at this time.

Mr. Grob was reminded he will be unable to be released from his probation until he establishes a period of employment. Mr. Ormond reminded him to ensure he has received his required continuing education, Mr. Grob agreed.

Mr. Grob is compliant with his MOU, and will next meet with the Board on October 14, 2010.

10:00 a.m. Webb, Kelsee

Ms. Webb appeared for her scheduled probationary appointment with the Board. Mr. Tinsley reminded Ms. Webb all Employer Reports are due on the first of the month prior to her appointment, it was then explained her July report was not received by the Division until after the fifth. The Board then requested proof of completion of all criminal charges.

Ms. Adams agreed to obtain these records, if possible.

Ms. Webb is compliant with her MOU, and will next meet with the Board on October 14, 2010.

10:15 a.m. Saldivar, Gerald – Application Review

Mr. Ormond reviewed Mr. Saldivar's application for reinstatement of licensure as an Unarmed Private Security Officer, and the events which caused the Division to deny his renewal of licensure application on April 12, 2001:

- October 5, 2003 involved in an automobile accident where in he was charged with a DUI on October 16, 2003;
- July 31, 2004 applied for renewal of licensure as an Unarmed Private Security Officer and failed to notify the Division of the October 16, 2003 charge;
- January 6, 2005 pleaded guilty to a DUI a Class B misdemeanor which was completed on April 26, 2006;
- October 21, 2006 applied for renewal of licensure and failed to notify the Division of the conviction; and
- April 12, 2007 a hearing was conducted by the Board it was determined to deny Mr. Saldivar's request for renewal of licensure as an Unarmed Private Security Officer.

Mr. Ormond questioned the Board due to Mr. Saldivar's criminal history, and falsification of his applications for licensure, what action should be taken.

After a detailed discussion Mr. Rose seconded by Mr. Tinsley made a motion to deny Mr. Saldivar's application for reinstatement of licensure, due to his failure to appear for his appointment with the Board, and no documentation of additional treatment having been completed since the initial charge. The motion carried unanimously.

Mr. Saldivar later appeared for his appointment with the Board. It was determined, his reminder letter reflected an inaccurate time for his appointment.

Mr. Rose seconded by Mr. Tinsley made a motion to re-visit Mr. Saldivar's application. The motion carried unanimously.

Mr. Ormond explained Mr. Saldivar answered honestly to a qualifying questionnaire questions, and has completed all training requirements. A detailed discussion ensued where Mr. Rose and the Board

expressed their concern with Mr. Saldivar's past deceptiveness.

Chief McCoy called for a motion to rescind the previous motion to deny Mr. Saldivar's application for reinstatement of licensure as an Unarmed Private Security Officer. No motion was made. Mr. Saldivar's application will be denied.

11:00 a.m. Loomis Armored US Inc – QA  
Derek Green

Mr. Green appeared for his scheduled appointment with the Board. Mr. Rose reviewed his application for approval of Qualifying Agent for Loomis Armored US Inc.

After a brief discussion Mr. Rose seconded by Ms. Kober made a motion to approve Mr. Green as the Qualifying Agent of Loomis Armored US. The motion carried unanimously.

11:15 a.m. Echelon Security Inc – QA Kourosh  
Vahdani

Mr. Vahdani appeared for his scheduled appointment with the Board. Sheriff Merrell reviewed his application for licensure as a Contract Security Company, with himself as the Qualifying Agent. Mr. Vahdani explained this company will offer physical and cyber security to its clients.

Mr. Ormond reminded Mr. Vahdani of the Training requirements for all Security Officers, and the process to obtain an approved Training Program, Mr. Vahdani understood.

Sheriff Merrell seconded by Mr. Rose made a motion to approve Mr. Vahdani as the Qualifying Agent for Echelon Security Inc, contingent upon clear criminal history. The motion carried unanimously.

11:30 a.m. Go Security Network – QA Kory  
Newbold

Mr. Newbold and Mr. Oliverson appeared for their scheduled appointment with the Board, to review Mr. Newbold's application for approval as a Qualifying Agent for Go Security Network.

Mr. Newbold had answered "Yes" to a Qualifying Questionnaire question regarding having criminal action currently pending, admitting to a February 13, 2010 DUI (Driving Under the Influence) and Reckless Driving, both class B misdemeanors. A detailed discussion ensued regarding Mr. Newbold's charge,

and his pending POST (Peace Officers Standards and Training) review.

Mr. Newbold questioned why his charges were a concern for this profession. Mr. Ormond quoted R156-63a-607 the Operating Standards - Criminal Status of Officer, Qualifying Agent, ... of Contract Security Companies.

In the event an officer, qualifying agent, ... having direct responsibility for managing operations of the contract security company has a conviction entered regarding:

(c) a crime that when considered with the functions and duties of an unarmed or armed private security officer by the Division and Board indicates that the best interests of the public are not served, the company shall within ten days of the conviction or notice reorganize and exclude said individual from participating at any level or capacity in the management, operations, sales, ownership, or employment of that company.

Mr. Tinsley seconded by Sheriff Merrell made a motion to table Mr. Newbold's approval until the next meeting on October 14, 2010, pending legal advice. The motion carried unanimously.

12:45 p.m. Jacobsmeyer, Jonathan – First Probation Interview

Mr. Jacobsmeyer appeared for his first scheduled probationary appointment with the Board. Ms. Trujillo explained Mr. Jacobsmeyer was placed on probation on July 29, 2010 due to his August 17, 2009 Unlawful Sale of Alcohol to a Minor, class B misdemeanor, guilty plea.

Chief McCoy questioned Mr. Jacobsmeyer why he failed to ID the individual, Mr. Jacobsmeyer indicated he profiled the person, and though she was old enough.

Mr. Jacobsmeyer is compliant with his MOU, and will next meet with the Board on October 14, 2010.

1:00 p.m. Harman, Shawn – Application Review

Mr. Harman appeared for his scheduled appointment with the Board to review his application for licensure as an Unarmed Private Security Officer.

Mr. Ormond explained Mr. Harman surrendered his licenses to practice as an Armed and Unarmed Private Security Officer on May 14, 2009, for the period of two years. Mr. Harman is requesting a review of his Surrender Stipulation and Order to determine if he may shorten this time frame.

Sheriff Merrell seconded by Mr. Rose made a motion to close this meeting to further discuss Mr. Harman's medical condition, and his character. The motion carried unanimously.

This meeting was closed at 1:21 p.m. and reopened at 2:12 p.m.

Mr. Merrell seconded by Ms. Kober made a motion to reopen the meeting. The motion carried unanimously.

Mr. Tinsley seconded by Mr. Rose made a motion to require Mr. Harman comply with all requirements of his Stipulation and Order, adding he may reapply for licensure upon the completion of the two year time frame. The motion carried unanimously.

1:30 p.m. Basic Training Program

Mr. Rose introduced the Security Education Ad-Hock Committee (Lynette Phillips, Joe Chapman, Robert Anderton, Jeremy Lee, Newell Cutler, and Gary Yenchik).

Mr. Rose reminded the Board, at the September 10, 2009 Board Meeting the Board had requested for him to establish an Ad-Hock Committee, comprised of representatives of this profession. The Ad-Hock Committee was to review R156-63a-603 and recommend amendments which will set a standard of training to ensure all Security Officers, who have never worked in this profession, are appropriately trained, to meet current issues faced by Security Officers.

Mr. Rose added the Ad-Hock Committee's proposal has been reviewed by the Security Services Education Advisory Committee on two different occasions. The first review was tabled for further review by the Education Advisory Committee. The second review as tabled for clarification by the Ad-Hock Committee. Mr. Rose explained he is not trying to side step the Education Advisory Committee however he is requesting guidance by this Board.

It was then clarified, the Ad-Hock Committee is recommending:

- Twenty-Four hours of pre-hire training to include:
  - Nature and Role of Private Security - One hour
  - State Law and Rules - Three hours
  - Legal Responsibilities - Three hours
  - Situational Response - Four hours
  - Ethics - One hour
  - Use of Force - Three hours
  - Report Writing - Two hours
  - Patrol Techniques - Four hours
  - Police and Community Relations - Two hours
  - Unlawful Harassment - One hours

The Ad-Hock Committee will write an examination to cover all of the above stated topics, to be approved by the Education Advisory Committee.

If approved the On-the-Job training program will be eliminated.

**Mr. Rose seconded by Ms. Kobe made a motion to approve all of the above stated recommendations of the Ad-Hock Committee.**

Discussion then ensued on this motion.

- 1) Concerns were raised regarding instances where Officers are needed in a short amount of time.
  - It was explained emergency procedures are in place, upon Division review and approval.
- 2) Education Advisory Committee is not in support of approving the proposal at this time.
  - It was explained the Security Services Education Advisory Committee is advisory to this Board; the Board is advisory to the Division. Committee approval is not required.
- 3) If not enforcement by the Division, the training will not be conducted as required.
  - It was clarified any complaints received by the Division are being acted upon.
- 4) The proposal being cost prohibitive to employment.
  - The Board was reminded part of their duties and responsibilities is to protect the public.

Also there should not be an increase in fees, if the required training is currently being given. The Board and Guest were reminded, if a company is a member of USA all initial training given through them is free of charge.

- 5) All other professions administered by the Division require the licensees to be trained prior to licensure issuance of licensure.
- 6) A study was conducted in Virginia which determined twenty-four hours of pre-hire training is necessary to ensure new officers are appropriately trained.
- 7) Liability for the Company is increasing, increased training for Officers is essential.

**Chief McCoy then called for a vote on the motion. The motion carried unanimously.**

#### Train the Trainer

Mr. Rose explained during the review of R156-63a-603 the Ad-Hock Committee determined in addition to meeting the requirements of R156-63a-602 (5) all instructors must complete a Train-the-Trainer program.

It was clarified the Train-the-Trainer program will:

- 1) Ensure all Instructors are appropriately delivering the material to the licensees;
- 2) Be a required portion of each Basic Training Program;
- 3) Be a minimum of four hours;
- 4) Increases the accountability of the Instructors; and
- 5) Be required for all Instructors, each Basic Training Program, may implement their own policy regarding when the Train-the-Trainer must be completed.

**Mr. Rose seconded by Mr. Tinsley made a motion to amend R156-63a-602 to require a Train-the-Trainer program as previously described. The motion carried unanimously.**

The guests present were concerned regarding who, for each Basic Training Program's Train-the-Trainer Program, is required to be the first approve. The Board

explained the individual who writes the program is the first instructor. It was then added both Associations have agreed to give their Train-the-Trainer Programs, free of charge, through out the State.

## Continuing Education

Another amendment proposed by the Ad-Hock Committee was to change the requirements for CE (Continuing Education). Mr. Rose clarified the Ad-Hock Committee was concerned with Officers who wait until the end of the renewal cycle to obtain the required CE.

The Ad-Hock Committee is proposing amending R156-63a-304 (2) to require:

- 1) Four (4) hours of CE be completed every six (6) months. Active Military will be reviewed by the Division on a case by case basis.
- 2) Officers who fail to complete the required CE hours will be required to meet with the Education Advisory Committee. The Committee will then recommend what action should be taken.
- 3) All CE must be backed by a Certificate of Completion, maintained by both the Instructor and Officer, which indicates:
  - Topic;
  - Trainer's Signature;
  - Hours Completed; and
  - Date of Training.

**Mr. Rose seconded by Ms. Kober made a motion to amend R156-63a-304 (2) to require CE be completed as previously described.**

Discussion ensued on this motion:

- 1) The Qualifying Agent should be conducting internal audits, to ensure CE is being completed.
- 2) The proposed changes will ensure CE is completed through out the renewal cycle, and makes the Officer responsible if the hours are not completed.
- 3) The proposal will ensure the safety of the Public, and the Officer.
- 4) Penalty hours could be added, similar to the requirements of R156-63a-304 (4).
- 5) Most professions administered by the Division require CE to be completed within the renewal cycle, not as proposed.

**Chief McCoy then called for a vote on the motion. Mr. Rose voted in favor, Mr. Tinsley and Ms. Kober voted against the motion. The motion fails.**

Mr. Rose seconded by Ms. Kober made a motion to amend R165-63a-304 (2) to require All CE to be backed by a Certificate of Completion, maintained by both the Instructor and Officer, which will indicate; Topic, Trainer's Signature, Hours Completed, and Date of Training.

Discussion ensued regarding the motion:  
Approval of the motion will simplify the process for the Division, and the Officer. Due to the ease of tracking CE hours.

**Chief McCoy then called for a vote on the motion. The motion carried unanimously.**

#### **DISCUSSION ITEMS:**

Final approval of CashMan Services – After a brief review Mr. Rose seconded by Mr. Armored Car Training Program Tinsley made a motion to approve CashMan Services, Armored Car Training Program. The motion carried unanimously.

Emergency Security Needs  
A concern arose where a Company needed several Officers on an emergency basis. Mr. Ormond explained 58-1 allows the Division to issue Temporary Licensure in specific instances. It was further clarified if the "emergency" arose from lack of planning on the Companies part the Division will decline to issue licensure.

The Board agreed.

Accidental Discharge of Weapons  
Mr. Ormond questioned what action the Division should take for incidences of "Accidental Discharge of Weapons", while on duty;

- 1) The Division could take no action, leave up to the Company to discipline the Officer; or
- 2) The Division investigates the issue, and takes administrative action as needed.

The consensus of the Board and Guests indicated:

- 1) All "Accidental Discharges" should be considered Unprofessional Conduct, and reported to the

- Division for administrative action.
- 2) Only “Accidental Discharges” while on site should be reported.
  - 3) Investigation should be left up to the Company, if negligence or incompetence is found the Division could take administrative action.
  - 4) Reporting should be similar to R156-63a-613 and 63b-612.

It was then determined to table this issue for future discussion.

#### Security Services Education Advisory Committee Members

This issue was previously discussed at the June 10, 2010 Board meeting. Mr. Ormond updated the Board, explaining R156-63a-201 requires “one member who is a trainer with the Department of Public Safety, POST (Peace Officer Standards and Training) Division” to be appointed to the Security Services Education Advisory Committee. Mr. Ormond clarified POST representatives do not feel it is appropriate to be a part of this Committee.

The Division will amend R156-63a-201 to allow a representative of UPOA (Utah Peace Officers Association), who is an Instructor to be appointed.

The Board agreed with this proposal.

#### Probationers who fail to comply with MOU/Stipulation Requirements

This issue was previously discussed at the June 10, 2010 Board meeting. Mr. Ormond updated the Board, explaining Division MOU’s and Stipulation and Orders state “The period of time in which Respondent does not practice shall not be counted toward the time period of” the Order. Mr. Ormond then explained due to some probationers not working in this profession the probationer may not be released from their probation. It was then added other professions require the licensee to at minimum work for a short period of time to demonstrate a period of compliance.

After a brief discussion it was determined to review each probationer, in this situation, on a case by case basis.

**CORRESPONDENCE:**

The Daily Telegraph – “Man shot dead after hold-up went wrong”      Reviewed, no further action taken.

The Leaf Chronicle – “Clarksville hospital security guard gets 4-year sentence”      Reviewed, no further action taken.

The Salt Lake Tribune – “West Valley cops chase down, use Taser on nude woman”      Reviewed, no further action taken.

IASIR Regulator – Summer 2010      Reviewed, no further action taken.

**ADJOURN:**      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.*

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Date Approved December 9, 2010      (ss) Sheriff Jeff Merrill  
Acting Chairperson, Security Services Licensing Board

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Date Approved December 9, 2010      (ss) Clyde Ormond  
Bureau Manager, Division of Occupational & Professional Licensing