

**Vermont Secretary of State
Office of Professional Regulation**

**BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES
MINUTES
JUNE 17, 2005**

01. The meeting was called to order at 8:35 a.m.

Members Present: Danny A. Coane, Chairperson; Leo Blais, Vice Chair; Robert Edwards, Secretary; Liz Gilligan, Public Member and Emma Pudvah, Ad Hoc Member.

OPR Staff Present: Carla Preston, Unit Administrator, Christopher Winters, Staff Counsel, Ed Adrian, Prosecuting Attorney and Patty Skinner, Administrative Assistant

Others Present: Michael P. Jennings; Moses Mitchell; Amanda Mitchell; Glenn Cutting with Cutting & Associates; Mark Stockton with Stockton Security; Frank Kinney with Deter Security, Inc.; Kent A. Maxfield with Deter Security, Inc.; Jeremy Spaulding with Green Mountain Concert Services; Scott L. Jackson with S.L. Jackson & Associates and Max Schlueter with Public Safety.

02. The Chair called for approval of the Minutes of the May 20, 2005 meeting. With the addition of OPR Staff Present and changing under Others Present: Mark Stockton with Deter Security to Frank Kinney with Deter Security. Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve the minutes with corrections as stated above. Motion passed unanimously.

03. Hearings/Stipulations

- a. The Board considered the Stipulation and Consent Order in regard to E. Guy Paradee PD25-0604. The Respondent was not present. Attorney Ed Adrian was present on behalf of the State, and Attorney Christopher Winters, presided for the Board. Mr. Edwards made a motion, seconded by Mr. Coane, to accept the Stipulation and Consent Order as presented. Mr. Blaise, Investigating Team Member recused from voting.

04. Complaints/Follow-ups

- a. Follow up case regarding MVM (Docket No: PD12-1203) Report for June 2005 was reviewed by the Board. Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve the report. Motion passed unanimously.

05. Applications to review

- a. James J. Kelly – Unarmed Security Guard with Deter Security, Inc. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Mr. Kelly for registration. Motion passed unanimously.
- b. Hunter North Associates, LLC – Syllabus for 40 Hours Basic Training Program. Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Blais to approve Hunter North Associates Syllabus for a 40 Hour Basic Training Program. Motion passed unanimously.
- c. Adam Grady – Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Mr. Grady for registration. Motion passed unanimously.
- d. Ronald Waggoner – Unarmed Security Guard with Guardsmark, LLC. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Edwards, to approve Mr. Waggoner for registration. Motion passed unanimously.
- e. Asset Protection Team – Change in Qualifying Agent (Joanne M. Myers). Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Joanne M. Myers as the qualifying agent for Asset Protection Team.
- f. Michael P. Jennings – Unarmed Private Investigator for Cutting & Associates. Mr. Jennings was present and requested an executive session. The Board went into executive session at 9:01 a.m. and out at 9:07 a.m. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan to approve Mr. Jennings for registration. Mr. Blais recused.
- g. Ronald R. Wheatley – Armed Security Guard with AT Systems. Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Blais, to table this application and request further information on the charges that are on the FBI check; specifically the 1977 charges. Mr. Coane recused due to a conflict of interest.
- h. Michael J. Smith – Armed Guard with the Wackenhut Corp. Mr. Edwards made a motion, seconded by Ms. Gilligan to reconsider the original application. Mr. Edwards made a motion, seconded by Ms. Gilligan to pre deny Mr. Smith based on 3 V.S.A. § 129a (a) (10) and 26 V.S.A. § 3181 (b) (18). Motion passed unanimously.

- i. Moses A. Mitchell – Unarmed Guard with Deter Security, Inc. Mr. Mitchell was present and waived executive session. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan to approve Mr. Mitchell for registration. Motion passed unanimously.
- j. Guardsmark - Syllabus for 40 Hours Basic Training Program. Mr. Edwards made a motion, seconded by Mr. Blais, to approve Guardsmarks' 40 Hour Basic Training Program. Motion passed unanimously.

6. Correspondence

- a. The Board noted the email from Henry R. Zazzi inquiring if training programs have to be submitted by July 1, 2005, or can they wait until they become active and hire employees. The Boards response was that the Training Program would have to be approved prior to any employees being hired.
- b. The Board noted the email from Kim Watts requesting the clarification of Rule 3.3 about physical presence. The Boards response was that if an agency has employees working in Vermont, that the qualifying agent would have to be at the place of employment of said employees every sixty days for a minimum of six hours.
- c. The Board noted the email from Arthur Sogno of Hunter North regarding an employee who has been activated and deployed to Iraq. It is the Boards policy for renewal purposes that the person that was deployed would have to submit their renewal form and a copy of their deployment papers upon their return to work.

07. Old Business

08. Public Comments

- a. Mark McCloud was to address the Board at 9:15 a.m., but did not appear.
- a. 9:30 a. m. - Max Schlueter with Public Safety was present to speak with the Board regarding FBI checks and the new electronic system that Public Safety will be utilizing in the near future.

Mr. Schlueter stated that there is currently a long delay with the FBI, and that he only has one person in his office who handles all of the FBI checks that come back. The solution that is in progress, is to have all fingerprints done at an Identification Center, compressed to send to the FBI and decompressed electronically at the FBI for reading. The

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equipment that is required for this is being installed at Public Safety in November, but will take a couple of months to fine tune. When this process is completed, Mr. Schlueter stated that it should only take 3 weeks turn around time for processing the fingerprints.

- b. 11:00 a.m. – Scott Jackson address the Board with issues regarding retired law enforcement officers and clarification as to whether they have to be certified with a Vermont licensed Firearms Instructor. Mr. Jackson noted § 3175a – which states “Firearms training may include evidence of law enforcement or military training in firearms. After a lengthy discussion on state and federal laws, Mr. Coane made a motion, seconded by Ms. Gilligan to approve Mr. Jackson’s application for renewal as an armed qualifying agent. Mr. Edwards recused from voting on this issue.

Due to the controversy over this issue, a Board Policy will be written by Board Council to cover this issue in the future.

- c. The issue of eight hours of training for part time employees was addressed, and the question of what the eight hours should consist of. The following was adopted as the core program:

SECURITY GUARDS

Intro to the role of a security officer	1 hour
Ethics and Conduct	2 hours
Legal Powers and Limitations	1 hour
Agency’s choice	4 hours

PRIVATE INVESTIGATORS

Intro to the role of a private Investigator	1 hour
Ethics and Conduct	2 hours
Legal Powers and Limitations	1 hour
Agency’s choice	4 hours

- d. Mr. Coane, Board had received some concern regarding the word “Unarmed” being on a private investigators license. This issue was discussed with Rita Knapp, Licensing Programs Coordinator, who believes that it would be an injustice to the public to remove it from their licenses.

09. There being no further business, the meeting was adjourned at 11:45 a.m.

NEXT MEETING DATE FOR 2005: July 15, 2005

