

Office of Professional Regulation
BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES

**APPROVED MINUTES
MEETING OF JANUARY 20, 2006**

1. The meeting was called to order at 9:04 a.m.

Members present: Daniel A. Coane, Chairman; Robert E. Edwards, Vice-Chair; Leo P. Blais, Secretary; Elizabeth Gilligan; and Emma J. Pudvah, Ad Hoc Member.
Nancy Stevens, Ad Hoc (via phone for Hennigar executive session).

OPR Staff present: Kevin F. Leahy, Board Counsel; and Carla Preston, Unit Administrator.

Others present: James Eckhardt with Censor Security; Jeremy Spaulding with Green Mountain Concert Services, and applicants: John Carter, Patty Sheerin and David Nease.

2. The Chair called for approval of the Minutes of the December 16, 2005 meeting. Mr. Edwards made a motion, seconded by Ms. Gilligan, to approve the Minutes of December 16, 2005 meeting as presented. Motion passed unanimously.

3. **Hearings/Stipulations**

APP-PD-10-1205 – Edward R. Martin. The Board discussed the matter with regard to its preliminary denial of Mr. Martin's application for registration (Part-Time) on the basis of his failure to provide documents requested by the Board. The Board noted that Mr. Martin provided the documents on the afternoon of December 16th, which was after the Board had adjourned. Mr. Martin notified the Board of his inability to attend today's hearing and requested that the matter be recessed to the next meeting if necessary. Attorney Leahy indicated that under the circumstances, the Board could review the additional documents provided by the applicant without his presence. However, if questions were raised of the applicant or more information was needed the matter would need to be rescheduled.

The Board decided to proceed with its review of Mr. Martin's application. The applicant's employer, Jeremy Spaulding with Green Mountain Concert Services was present. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Mr. Martin for registration subject to completion of his training. The question was called and the motion passed. Chairman Coane, Investigating Member, did not participate in the vote.

4. **Complaints/Follow-up cases:**

- a. The Board reviewed the Report for December 2005 submitted by MVM Inc., Docket No. PD12-1203. Mr. Edwards made a motion, seconded by Ms. Pudvah, to accept the Report noting that MVM, Inc. is in compliance with its December 17, 2004 Stipulation and Consent Order.
- b. **PD02-0705** – The Board reviewed the Report of Concluded Investigation. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan, to accept the Investigative Team's recommendation and conclude this matter without charges. The question was called and the motion passed. Mr. Blais, Investigating Member, did not participate in the vote.

- c. Mr. Edwards made a motion, seconded by Ms. Pudvah, to go into executive session at 9:29 a.m. to obtain general legal advice with regard to the procedure raised in the court's opinion concerning Curtis A. Hennigar. Chairman Coane indicated that he had recused himself from earlier proceedings concerning this matter because an attorney at his former employer's firm was hired by the applicant to represent him. He said he no longer worked for that firm and felt that under the circumstances he did not need to recuse.

The Board voted to go out of executive session at 9:48. Mr. Edwards made a motion, seconded by Mr. Blais, that in light of the November 14, 2005 Opinion and Order of Appellate Officer, to grant a license to Mr. Hennigar as a qualifying agent and to his agency, C.A.H. Services Airport Parking, Inc. The Board's decision is contingent upon receipt of a new and updated application meeting all current requirements. The agency must submit a 40-hour training program for consideration. All employees must be registered and those who were hired after July 1, 2005 must complete the 40-hour training program. The training must be complete not later than 60 days after the agency and its qualifying agent are licensed. The question was called and the motion passed unanimously.

Ms. Preston will draft a letter to Attorney Alison Bell for her client and share it with Counsel and members for review and comment.

4. Reports

- a. **Advantage Parking Services** – Unarmed security agency with Patricia Sheerin as the Qualifying Agent. Ms. Sheerin was present and requested executive session to discuss her offenses. Mr. Edwards made a motion, seconded by Ms. Gilligan, to go into deliberative session at 10:15 a.m. and out at 10:36 a.m. Mr. Edwards made a motion, seconded by Ms. Gilligan, to table this matter to the February 17th meeting to allow the applicant to obtain the additional documentation requested. Motions passed unanimously.
- b. **Tyler J. Hayes** – Unarmed security guard with Green Mountain Concert Services. This matter was tabled from the December meeting. The Board noted that Mr. Hayes contacted the Office indicating that he was unable to obtain the court documents and would like additional time to do so. Mr. Edwards made a motion, seconded by Ms. Pudvah, to table this matter to the February 17th meeting. The question was called and the motion passed unanimously.
- d. **U.S. Security Associates, Inc.** submitted a request for John Carter to be approved as an instructor for its forty-hour basic training program. Mr. Carter was present for this discussion and elaborated further on his experience and qualifications. Based on the additional information provided, written and verbal, Mr. Blais made a motion, seconded by Mr. Edwards, to approve his request. Motion passed unanimously.
- d. **Protective Services Group, Inc.** submitted an application as an unarmed security service agency with Cynthia Rolfingsmeier as the Qualifying Agent. The Board noted that Ms. Rolfingsmeier had not yet taken the laws and rules examination. Mr. Edwards made a motion, seconded by Ms. Pudvah, to table this matter to the February 17th meeting. The question was called and the motion passed unanimously.

- e. **USProtect Corporation** submitted an application for a change in its Qualifying Agent from Leslie Kaciban, Jr. to William F. Rothenbecker. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan, to approve Mr. Rothenbecker as Qualifying Agent for this agency. Motion passed unanimously.
- f. **The Wackenhut Corporation** submitted a request for Douglas A. Riggi and Donald L. Whitacre to be approved as replacement instructors for its forty-hour basic training course. The Board also reviewed the letters provided (dated June 2002 and January 2003) from the State of New York=s Division of Criminal Justice Services indicating that they have been approved as instructors in New York. Mr. Edwards made a motion, seconded by Ms. Gilligan, to require additional information about Messrs. Riggi and Whitacre=s experience and qualifications to become instructors in Vermont, including a statement as to how their qualifications meet Vermont=s laws and rules. They may provide a Resume or Curriculum Vitae (CV) detailing their experience, training and other qualifications. The question was called and the motion passed unanimously.
- g. **Donald McKenna** – Unarmed Security Guard for Censor Security, Inc. Jim Eckhard with Censor Security Inc. was present for this discussion. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Mr. McKenna for Registration. Motion passed unanimously.
- h. **Green Mountain Concert Services, Inc.** submitted a request to add Grant J. Mitchell as an instructor to its forty-hour basic training course. The Board reviewed Mr. Mitchell=s Biographical Sketch which detailed his education, experience and other qualifications. Mr. Spaulding was present for this discussion and offered additional information in support of Mr. Mitchell. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan, to approve Grant J. Mitchell as an additional instructor for GMCS=s Vermont training program. Motion passed unanimously.
- i. **Vertical Screen, Inc.** submitted an application as an unarmed private investigative agency with Joseph O=Kane as the Qualifying Agent. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan, to approve this agency for licensure. Motion passed unanimously.
- j. **Meghan E. McGovern** submitted an application as an unarmed private investigator with New England Fire Cause & Origin, Inc. (NEFCO). The Board reviewed NEFCO=s January 6th letter, which was in response to the Board=s denial of a full waiver of the 40 hours of training for Ms. McGovern. The information with regard to Ms. McGovern=s training and how it compared to Vermont=s requirements was also reviewed. The Board could agree that some of Ms. McGovern=s training may be waived and that it would consider the training she received at Champlain College and at the Vermont Police Academy. However, the Board cannot consider individual training or a request for waiver unless the employer/agency has an approved program on record. In order to accept hours of training that was offered by (NEFCO), NEFCO must have a minimum forty-hour training program approved by the Board. As an alternative, employees may attend another agency=s or school=s Board-approved forty-hour training program. Ms. McGovern was issued a Temporary Permit (Full-Time) set to expire on March 25, 2006. Mr. Edwards made a motion, seconded by Ms. Gilligan, to table this matter for the reasons stated above. Motion passed unanimously.
- k. **David Nease** submitted an application as an unarmed private investigator with J. Cronan Associates and was denied full waiver of the training requirements. Mr. Nease attended the meeting to discuss his request for a full waiver of the training requirements based on his

experience in law enforcement. The Board agreed that some of the training could be waived based on his experience and asked him to provide more detailed information. The Board noted that to accept hours of training offered by his employer, J. Cronin Associates, it must have a Board-approved training program of not less than forty hours on file. Mr. Nease was advised that his sixty-day Temporary Permit had expired on December 27, 2005 and that a new application must be submitted.

1. David J. Cahee, General Manager of Censor Security, Inc. submitted a request for a waiver of the minimum training requirements for registrant **Michael W. Field**. Mr. Field has been issued a Temporary Permit, which is set to expire on March 19, 2006. The Board reviewed their January 19th letter and Mr. Field=s certificates of training and other credentials he earned from various sources. James Eckhardt was present for this discussion and provided additional information to the Board. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan, to waive a portion of the training, with the exception of the criteria listed under the heading of Ethics & Conduct, which included knowledge of the Vermont Laws and rules. Mr. Eckhardt indicated that Censor Security=s Alegal issues class@ would cover those areas. The question was called and the motion passed unanimously.

6. Follow Ups

7. Correspondence

8. Budget Review

- a. The Board tabled its review of the January 3, 2006 Memorandum from Christopher D. Winters, Director of OPR, regarding Fees for the Board.

9. Other Business

Items (a) through (c) below were tabled to the February 17, 2006 meeting.

- a. Discuss the Board's overall intent of acceptable types of media used to provide training (i.e., all classroom, all computerized, combination, etc.).
- b. Discuss extending the time period for training for full-time applicants upon a show of good cause.
- c. Discuss requests for waiver of training and information required to consider granting it. The burden is on the applicant, not on the Board to identify strengths or weaknesses. However, with the information before it the Board may make a more informed decision as to the number of hours it would grant.
- d. The Board discussed the length of time training earned at an approved school or under any approved program is valid for if the applicant is not currently employed. The Board confirmed that the training is valid indefinitely.
- e. The Board scheduled a separate meeting on February 3rd to update its laws and rules examination.

10. Public Comments

11. There being no further business, the meeting was adjourned at 12:20 p.m.

12. The next meeting is scheduled for February 17, 2006.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation