

BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES

Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402

**UNAPPROVED MINUTES
Meeting of October 17, 2008**

1. The meeting was called to order at 9:00 A.M.

Members present: Robert E. Edwards, Chairman, James Eckhardt, Vice-Chairman, Michael Jennings, and Stacey Nelson.

OPR Personnel: Kevin F. Leahy, Board Counsel and Carla Preston, Unit Administrator.

Others present: Patrick Beck, Kimberly D. Gray, Jason B. Gould, and Jeremy Spaulding.

2. The Chair called for approval of the Minutes of the September 19th meeting. Mr. Jennings made a motion, seconded by Mr. Eckhardt, to approve the Minutes of the September 19, 2008 meeting as presented. Motion passed unanimously.

3. **Reports**

4. **Hearings/Stipulations/Reports of Concluded Investigations**

Attorney Leahy reported on the status of a pre-hearing conference regarding a case involving an organization with federal contracts. The federal government contracts with an agency or person and that agency or person is exempt from licensure under the preemption agreement. He said the agency or company holds the legal federal exemption but it is unclear how far that exemption extends. Does it extend to the officers, directors, and employees of the agency that is exempt? It is a legal issue to be addressed.

5. **Legislation/Rulemaking**

6. **Applications for Licensure**

- a. Amanda Bluto – Unarmed Security Guard with Green Mountain Concert Services. Ms. Bluto was asked to attend a meeting for a personal appearance to discuss her application with the Board. She did not attend. Jeremy Spaulding reported that Ms. Bluto was originally hired as a flagger. He said GMCS was withdrawing her application at this time. No further Board action required.
- b. Robert A. Barber – Unarmed Security Guard with The Wackenhut Corporation. Mr. Barber was asked to attend a meeting for a personal appearance to discuss his application with the Board. He did not attend. Mr. Jennings made a motion, seconded by Ms. Nelson, to preliminarily deny Mr. Barber's application for registration for failing to appear before the Board and failing to provide documentation requested by the Board. The question was called and the motion passed unanimously.
- c. Patrick Beck – Instructor for The Wackenhut Corporation. The Board had asked Mr. Beck to provide additional information concerning his qualifications to become an instructor for this agency. Mr. Beck indicated that he was previously approved as an instructor for another agency, Valor Security. The Board reviewed the training program and Mr. Beck's history as an instructor for that agency. Based on the additional information he provided and the fact that he was previously approved as an instructor, Mr. Eckhardt made a motion to approve Mr. Beck as an instructor for The Wackenhut Corporation. Mr. Jennings seconded the motion and it passed unanimously.

6. **Applications for Review and Discussion** - continued

- d. Terrell Spearman – Unarmed Security Guard with The Wackenhut Corporation. The Board reviewed Mr. Spearman’s application and concluded that a personal appearance was in order. Mr. Eckhardt made a motion, seconded by Mr. Jennings, to invite Mr. Spearman to attend the next meeting to discuss his application and history. Motion passed unanimously.
- e. Covenant Homeland Security Solutions, Ltd. (Agency) with James Robinson as the Qualifying Agent for the agency. Mr. Jennings made a motion, seconded by Mr. Eckhardt, to approve both the Agency and Mr. Robinson for licensure as the Qualifying Agent. Motion passed unanimously.
- f. ADP Screening & Selection Services, Inc. requesting a change of Qualifying Agent to Kimberly D. Gray. Ms. Gray was present to discuss her application. The Agency is currently licensed in Vermont. Mr. Eckhardt made a motion, seconded by Mr. Jennings, to approve Ms. Gray as the Qualifying Agent for ADP Screening & Selection Services, Inc. Motion passed unanimously.

7. **Training Program Review**

Censor Security, Ltd., Rutland, Vermont.

The Board invited the Qualifying Agent, James Eckhardt, and one of the Agency’s Instructors, Jason B. Gould, to discuss its approved training program with the Board. Mr. Eckhardt recused himself from serving on the Board for this presentation.

Mr. Gould reported that Censor’s training program has been increased to 56 hours. He said the training program has hardly any videos. He said there are slides via PowerPoint in a classroom which are presented by an instructor. He elaborated on the slides and the topics covered. He noted that they receive considerable feedback from students about the program concerning its detail and how it is presented. He said they may accept some segments of an applicant’s training who has been previously employed as a security guard at another agency, but generally those students go through the whole program. The program covers hands-on field work in addition to classroom time.

The Board thanked Messrs. Gould and Eckhardt and noted that the training program met the Board’s intent for content and presentation.

8. **Miscellaneous Correspondence**

9. Budget Review - tabled

10. **Public Comment**

Jeremy Spaulding asked the Board to revisit its discussion concerning the requirement for full background checks (FBI) and fingerprints. He said he has had discussions with police departments and the University of Vermont concerning the availability of Live Scans. He said he would like to be involved and is willing to assist.

The Board verified that it is moving toward requiring full background checks and is trying to work out the logistics surrounding the availability of persons able to perform the live scan fingerprints at IDENT centers, additional costs, timeframe, and so on. The Board acknowledged that Vermont is a transient state which makes it very important to have full background checks on all applicants. The Board noted that the additional costs would be around \$35 to \$40. The Vermont Department of Public Safety would charge the Board \$20 for each application processed and applicants must pay a processing fee of approximately \$15 at the IDENT center. The Board is mindful that smaller agencies will have difficulty absorbing the additional costs.

Mr. Jennings said he has had conversations with Max Schluter and others at The Vermont Department of Public Safety. He said people need to document the problems they are having regarding the availability of LiveScans to support the argument that agencies should have the ability to perform them. The problems do exist but not as prevalent since it only applies to armed persons, corporate officers, qualifying agents, etc. If all applicants, armed and unarmed were seeking appointments at police departments for Live Scans people would be much more aware of the problems.

Mr. Spaulding noted that if GMCS could purchase the Live Scan equipment they could offer those services to schools and to others. He noted it would have to prove to be economically feasible to do so.

The Board discussed submitting legislation or having the society, International Association of Security and Investigative Regulators submit legislation on its members' behalf. It is an ongoing discussion that will be addressed at future meetings.

Ms. Preston suggested a trial process that would help bring problems to light. The current process for full time applicants involves submittal of a completed application, fee, a VCIC background check, and issuance of a 60-day temporary to allow for training. Once evidence of the successful completion of the 40-hour training program is received, a full registration is issued. She suggested adding to the process currently in place a requirement that during the 60 day temporary period, an applicant must have had his or her fingerprints taken at an IDENT center and submitted for processing. That would give extra time to have the fingerprints taken electronically, reveal logistical, timing, and other problems. The end result is that all applicants would have had a full background check performed within a few months time.

The Board raised concerns about the time delay in processing the FBI background checks and tracking the status of them. Concerns were also raised for part-time persons and how long should be allowed for those applicants to have the electronic fingerprints submitted. In the end, the Board agreed that full background checks were absolutely necessary and that it would be considering such a requirement by early 2009. This topic will be on the Board's next agenda for further discussion.

11. **Other Business Introduced**

12. The next meeting of the Board is scheduled for **November 21, 2008** at 9:00 AM.

15. The meeting was adjourned at 10:53 PM.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation