

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 September 18, 2009

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

Members present: James R. Eckhardt, Vice-Chairman, Michael P. Jennings, Stacey Nelson and Emma J. Pudvah. Absent: Robert E. Edwards, Chairman

OPR Personnel: Kevin F. Leahy, Board Counsel, Carla Preston, Unit Administrator, and Patty Skinner, Administrative Assistant.

Others present: Tawnya Bessette, James Elrick, Angela White, Rod French, Doug Weinreich, Jeremy Spaulding, and Frank Kinney.

2. The Chair called for approval of the Minutes of the July 17th meeting. Mr. Jennings made a motion, seconded by Ms. Pudvah, to approve the Minutes of the August 21, 2009 meeting as presented. Motion passed unanimously.

3. **Reports**

- A. Christopher Winters, Director of the Office of Professional Regulation, attended the meeting to discuss the budget and revised certificates (licenses). He said no fee increases would be recommended for this legislative session.

Director Winters presented a few examples of revised certificates (licenses) to address the concerns raised by the Association and the Board. The Board agreed that the proposed revisions were a significant improvement but indicated that licenses with photos were needed, particularly for private investigators. The Board asked if the matter could be dealt with legislatively.

Guests in attendance working with security services indicated that some security guards would utilize photo issued licenses but that it was not necessary for all positions. Although they agreed that photo ID licenses would be best, they indicated that they currently laminate the certificates issued by OPR. They showed licenses issued by other states that are very similar to Vermont issued driver's licenses, most of which include photographs.

Director Winters referred to the July 2009 Memorandum from the VT Department of Motor Vehicles concerning OPR's inquiry about the possibility of DMV issued Private Investigator and Security Guard licenses with a photograph similar to that of its State IDs. The DMV was unable to assist the Office at this time. He said he would recommend a summer study to research further options for the DMV or Public Safety to work with OPR regarding the issuance of photo identification cards/licenses.

- B. Angela White, Rod French and Doug Weinreich with the Vermont Alarm & Signal Association (VASA) attended the meeting to explore licensure for alarm installers. Their organization represents security alarm dealers, cameras, etc. They believe that the public has a false trust because the installers are employed by a business. They want licensure to require that federal criminal background checks for employees in the electronic life safety, security and systems professionals industry are conducted. Since there is no regulation anyone can install security cameras, alarm systems, etc. Currently, background checks are not required for installers who have access to commercial buildings, schools, banks, water treatment facilities, institutions and private residences.

They indicated that the National Burglar & Fire Alarm Association (NBFAA) and the VASA have written to Senator Patrick Leahy concerning this issue. They said they currently have a bill (H.368) before the legislature. Prior to the meeting, they had provided copies of their Application for Preliminary Sunrise Review Assessment for Electronic Life Safety & Security Industry.

They indicated that about 30 states have some regulation (including MA, RI, and NY). Some of the problems found regarding no regulation include the fact that customers cannot find the company employing the installer should problems be found. They explained that the monitoring of the alarms and cameras is subcontracted out most of which are not located within the State of Vermont. They said the NBFAA is interested in establishing some standardized training requirements and national certification.

The Board's background check process was explained noting its limitations for non-licensed (registered) persons which only cover Vermont background checks. Full FBI background checks are performed on partners, corporate officers of agencies, persons applying to become armed and licensed persons who may serve as qualifying agents for agencies.

Ms. White said that Public Safety indicated that they would work with them if no one else does. Their national organization will assist in their efforts toward regulation. Ms. White agreed to provide additional information to the Board. Mr. Eckhardt agreed to respond to the written questions presented at the meeting.

Attorney Leahy indicated that based on history, legislative affairs would require a summer study if licensure of this group was to be under this Board. He mentioned the sunrise review meeting scheduled for October 14, 2009 at OPR and encouraged interested persons, including Board members to attend.

4. **Hearings/Stipulations/Reports of Concluded Investigations**
5. **Legislation/Rulemaking**

The Board reviewed and discussed proposed changes to the statutes to clarify requirements. The Board responded to questions from Messrs Spaulding and Kinney concerning the proposed recommendations. Attorney Leahy explained the process for legislative approval. If the Office bill is passed the changes would be in effect as of July 1, 2010.

6. **Applications for Licensure**

The Board reviewed the applications listed below and took action as indicated. Registrants approved for Temporary Registration would be issued full registration, set to expire May 31, 2011, upon verification of their successful completion of a 40-hour training program.

- a. Tawnya L. Bessette – Unarmed Security Guard with Green Mountain Concert Services. Ms. Bessette was present to discuss her application. The Board went into executive session at 9:06 AM and out at 9:13 AM. Mr. Jennings made a motion, seconded by Ms. Nelson, to approve Ms. Bessette for registration as an unarmed security guard. Motion passed unanimously.
- b. Alexander Bassey – Unarmed Private Investigator with Alliance Worldwide Investigative Group, Inc. requesting a waiver of some training requirements. Based on the information provided, Mr. Jennings made a motion, seconded by Ms. Pudvah, to waive certain aspects of the training but requiring Mr. Bassey to complete the training covering Vermont legal issues. Motion passed unanimously.

- c. Jeremy R. White – Application as a sole proprietor of a Private Investigative Agency. Based on the information presented Mr. Jennings made a motion, seconded by Ms. Pudvah, to approve Mr. White for licensure who may serve in the role of qualifying agent. Motion passed unanimously.
- d. Tim Bourgeois and Sarah Jean Rogers requested approval to become instructors for Green Mountain Concert Services Inc.'s forty-hour training program. Mr. Spaulding was present on behalf of the two applicants. The Board stated that it would like to see the following before making a decision regarding these applicants for instructors:
 - 1. The applicants must student train the course a minimum of three times
 - 2. Letter from Mr. Spaulding regarding both applicants
 - 3. Explanation of GMCS's "Train the Trainer" program, and a
 - 4. Personal appearance before the Board

7. **Training Program Review**

8. **Miscellaneous Correspondence**

9. **Public Comment**

10. **Other Business Introduced**

11. **Election of Officers**

Ms. Nelson made a motion to nominate the same slate of officers. The motion was seconded by Ms. Pudvah and passed unanimously. The officers are:

Robert Edwards, Chairman
James Eckhardt, Vice-Chair
Michael Jennings, Secretary

12. The next meeting of the Board is scheduled for **October 16, 2009** at 9:00 A.M.

13. There being no further business, the meeting was adjourned at 12:33 A.M.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation