

Office of Professional Regulation
BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES

UNAPPROVED MINUTES
Meeting of DECEMBER 19, 2003

1. The meeting was called to order at 9:08 a.m.

Members present: Daniel A. Coane, Chairman; Leo P. Blais, Vice-Chairman; and Robert E. Edwards, Secretary. Absent: Christine Schlegel Brown.

OPR Staff present: Christopher Winters, Board Counsel; and Carla Preston, Unit Administrator.

Others present: Stacey Dean; Melissa Wilks; Daryl Fenton; and Stanley M. Grandfield.

2. The Chair called for approval of the Minutes of the November 21st meeting. On page four, the first item will be correctly numbered as “8 (d).” Mr. Edwards made a motion, seconded by Mr. Blais, to approve the Minutes of the November 21, 2003 meeting as corrected. Motion passed unanimously.

3. **Hearings/Stipulations**

- a. **Stacey Dean** - The Board held a hearing regarding its preliminary denial of Ms Dean’s application for registration as a security guard. Mr. Edwards made a motion, seconded by Mr. Blais, to go into deliberative session at 9:55 and out at 10:20 a.m. Based on documents presented and testimony heard, Mr. Edwards made a motion, seconded by Mr. Blais, to affirm the Board’s original decision to deny Ms Dean’s application on the basis that the offenses are related to the profession. A written decision will be issued. Motion passed unanimously.

4. **Reports**

Stanley M. Grandfield with Triad Temporary Services Inc. (Triad) attended the meeting to discuss his temporary employment agency’s role in hiring security personnel which advertises for security personnel via the Internet. Mr. Grandfield explained that their employees are working for someone else who is required to provide any necessary training, etc. The client has control and supervision over the temporary person(s) hired. He said Triad shares employment and has some involvement with payroll (FICA, SS, State taxes, etc.). If a Temporary was injured, Triad is the responsible party. Mr. Grandfield said they recruit and assign to employers for all types of situations including the State of Vermont. Mr. Grandfield said he supplies staff for a client, and they are also the client’s employee and in some instances performing security work.

The Board explained that duties involving checking windows, doors, etc. falls under the definition of security work and as such constitutes the practice of the profession which would require Triad to be licensed as a security agency. If a company is “renting” out people as security officers, then the company must be licensed as a security agency. The client that trains (or doesn’t train), the temporary persons has little or no control over the supervision, service, or type performed. The Board mentioned the 40-hour training requirement soon to be in effect.

The Board mentioned the exemptions under the statute. If a private company hires people to do

security work directly, licensure is not required. Since Triad pays a portion of the individual's salary, Triad is considered an employer and is no longer exempt. The Legislature felt it was necessary to protect the public, particularly for armed guards.

4. **Reports** - continued

Attorney Winters explained that security companies are licensed so that not just their employees (security guards) are accountable. The Board needs to ensure that qualified people are in charge of security personnel and must therefore meet the requirements and become licensed. He agrees that since Triad is set up as an employer (co-employer), agency licensure is required. It is unfair to the security persons who are required to be licensed.

Mr. Grandfield asked for clarification on an example. He said, if Union Institute is looking for people to check windows, doors and to do maintenance, they could not use a temporary staffing service to do so.

The Board explained that Union Institute could use a staffing company to find people, i.e., role of a headhunter, and Union Institute could hire those persons directly as an employer. Triad could charge the company for finding the individuals to be hired by the client.

Mr. Grandfield said he belongs to the American Staffing Association where there are persons with much more knowledge than he on these issues. He feels that co-employment is different and will have the ASA review Vermont's laws and rules.

Attorney Winters will respond to Mr. Grandfield within a couple of weeks. He will research other states' laws and rules to see if this issue has been addressed.

5. **Legislation/Rulemaking**

The Board tabled the discussion concerning the draft rules. The draft rules will be scheduled early on at the next meeting.

6. **Complaints** - No action to report.

7. The Board reviewed the following applications and took action as indicated.

- a. **Shawn P. Dashno** - The Board reviewed Mr. Dashno's application for registration as an Unarmed Security Guard with Vescom Corporation. Mr. Dashno's prior applications were also reviewed which included his past offenses. Based on the information available, Mr. Edwards made a motion, seconded by Mr. Blais, to approve Mr. Dashno for registration. Motion passed unanimously.
- b. **John R. Dryer** - The Board reviewed Mr. Dryer's application for registration as an Unarmed Security Guard with Censor Security Inc. Mr. Edwards made a motion, seconded by Mr. Blais, to preliminarily deny Mr. Dryer's application based on failure to provide the information requested by the Board (Title 26, Chapter 59 ' 3181 (b) (15) and ' 3181 (b) (18). Motion passed unanimously.
- c. **Daryl W. Fenton** - The Board reviewed Mr. Fenton's application for registration as an Unarmed Security Guard with Censor Security. Mr. Fenton was present and discussed his application with the Board. He waived his right to discuss his application in deliberative

session. Mr. Fenton provided the information requested by the Board and elaborated further on his offenses. Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Blais, to approve Mr. Fenton for registration. Motion passed unanimously.

7. Applications - continued

- d. **Allen K. Reynolds** - The Board reviewed Mr. Reynolds' application for registration as an Unarmed Security Guard with Censor Security. The Board noted that Mr. Reynolds was previously registered. Mr. Edwards made a motion, seconded by Mr. Blais, to table this matter to the January 16th meeting at which time his previous applications may be reviewed. Motion passed unanimously.
- e. **Trever A. Tie** - The Board reviewed Mr. Tie's application for registration as an Unarmed Security Guard with Censor Security. Based on the information available, Mr. Blais made a motion, seconded by Mr. Edwards, to approve Mr. Tie for registration. Motion passed unanimously.
- f. **Gary A. LeRoux** - The Board reviewed Mr. LeRoux's application for licensure as a Firearms Instructor and his request for approval of his training course. These applications were tabled pending the results of an FBI background search.

8. Correspondence

- a. The Board reviewed and discussed the December 9th Memorandum from Attorney Chris Winters regarding "Judgment Enforcing." This matter was discussed at length but no conclusion could be reached based on the information provided. The Board will invite Richard McLaughlan to attend its January 16th meeting to discuss these issues further.
- b. The Board reviewed the December 9, 2003 letter from Triad Temporary Services, Inc. regarding information relating to staffing services (see item #4, Reports, above). Mr. Grandfield's letter was in response to the Board's inquiry concerning his Internet advertisement.
- c. The Board reviewed the December 8, 2003 letter from Bryan Hogle regarding his report of pending criminal charges. The Board appreciates the information provided by Mr. Hogle and will monitor the situation. A letter will be sent to Mr. Hogle's employer, MJM, asking why the criminal charges were not reported as required by law.

9. Other Business

- a. During today's meeting, the Board discovered that a company allowed an employee to work without licensure for several months and will refer the matter to the Investigative Unit for more information.
- b. Mr. Blais presented information on a Florida based company that appears to be performing background searches on IBM employees as a subcontractor. The matter was discussed

further. A letter of inquiry will be sent to this company.

10. **Public Comment**

The Board's guests participated in the discussion which pertained to their applications or specific reason for attending the meeting.

11. The date of the next meeting is scheduled for Friday, January 16, 2004.

12. The meeting was adjourned at 11:54 p.m.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation