

Vermont Secretary of State
Office of Professional Regulation

BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES

**UNAPPROVED MINUTES
MEETING of FRIDAY, JANUARY 17, 2003**

1. The meeting was called to order at 9:00 a.m.

Members present: Daniel A. Coane, Chairman; Leo P. Blais, Secretary; and ad hoc members: Robert Edwards and Emma Pudvah. Absent: Todd Lemieux, Vice-Chair; Christine Schlegel Brown; and Richard A. Walton. OPR Staff Present: Christopher Winters, Board Counsel; Rita Knapp, Assistant Director; Carla Preston, Unit Administrator; and Patty Skinner, Administrative Assistant.

Others present: Mark Stockton; and Timothy Therrien.

2. The Chair called for approval of the Minutes of the December 20th meeting. On page one, under item five (a), the last sentence was amended to show that after the hearing, the Board went into executive session. Once a decision has been made, an Order stating the Board's findings will be issued. On page two, under item six (f), the record was corrected to show that Mr. Coane had recused himself from that matter due to a business conflict. A few grammatical corrections were noted. The Board approved the Minutes of the December 20, 2002 meeting as corrected.

3. Reports:

- a. The Board reviewed the monthly report from Brinks, a condition of its Stipulation and Consent Order in the matter of PD06-0200. Based on the information submitted, Mr. Blais made a motion, seconded by Mr. Edwards, to accept the report from Brinks as being in compliance with the Order. Motion passed unanimously.
- b. The Board reviewed and noted the Budget for period ending December 31, 2002.

4. **Licensing**

- a. **Allen P. Densmore** (Unarmed Guard with The Wackenhut Corp.) - Based on the information provided, Mr. Blais made a motion, seconded by Mr. Edwards, to approve Mr. Densmore for licensure. Motion passed unanimously.
- b. **Kevin J. Hicks** (Unarmed Guard with Lemieux Security) - Based on the information provided, Mr. Blais made a motion, seconded by Mr. Edwards, to approve Mr. Hicks for licensure. Motion passed unanimously.
- c. **Travis B. Flanders** (Unarmed Guard with Berkshire Armored Car) - Based on the information submitted, Mr. Edwards made a motion, seconded by Mr. Blais, to deny Mr. Flanders' application on the basis that he failed to provide all information requested by the Board (26 V.S.A. § 3181 (b) (15) and § (3181 (b) (18). Motion passed unanimously.
- d. **Joseph A. Bousquet** (Unarmed Guard with Murphy's Detective/ASA Security) - Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Blais, to approve Mr. Bousquet for licensure. Motion passed unanimously.

4. **Licensing** - continued

- e. **Business Application for licensure as a Private Investigative Agency with Timothy Thompson as Qualifying Agent.** The applicant notified the Office that he has not yet received the additional documentation requested from the State of Texas. Mr. Blais made a motion, seconded by Mr. Edwards, to table this matter until the next meeting. Mr. Coane affirmed that he is under recusal in this matter. Motion passed. Mr. Coane abstained.
- f. **Timothy A. Ward** (Unarmed Security Guard with Censor Security) - The Board noted that Mr. Ward was approved for licensure at its December 20th meeting. Pursuant to the Board's request Ms Skinner contacted VCIC for clarification about Mr. Ward's record. She indicated that VCIC had made an error and that it has been corrected.
- g. **Peter Bells** (Unarmed Security Guard with Hunter North Associates) - The Board reviewed the information on file and concluded that he needed a letter from the Office requesting additional information which included a Police Affidavit and court documentation. Mr. Edwards made a motion, seconded by Mr. Blais, to table this matter until the next meeting. Motion passed unanimously.
- h. **Shawn Phelps** (Unarmed Security Guard with MVM, Inc.) - Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Blais, to approve Mr. Phelps for licensure. Motion passed unanimously.
- i. **Anthony Forrest** (Armed Security Guard and Investigator with Hunter North Associates) - Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Blais, to approve Mr. Phelps for licensure. Motion passed unanimously.

5. **Other:**

- a. The Board reviewed the E-Mail from Timothy Therrien concerning applicable laws covering the powers and limitations of private security officers (e.g., relating to arrest and detention). Mr. Therrien was present for this discussion and elaborated further. He said he is a security officer at Norwich University and asked what limits security officers have when dealing with confrontations. He said he is seeking statutory reference that explains the distinction of detention versus arrest.

Mr. Edwards explained that the Board does not have jurisdiction over private organizations. Under § 3151a (b) (3) organizations providing in-house security that are not employed by a security agency, are exempt. He said as security officers, they have no powers of arrest other than that of any other citizen. They may break up a fight, call the police, and serve as a witness. He said he is not aware of any written information that defines it further.

The Board recommended that he consult with Norwich University's director of security and legal counsel for guidance.

- b. The Board reviewed the letter from The Wackenhut Corp. requesting to utilize Blackwater Training Center for certifying their instructors as Bushmaster Carbine Instructors. The Board concluded that additional information is needed and will forward its revised "Minimum Standards - Firearms Qualification Program Outline" for guidance.

- c. The Board reviewed the letter from Investigative Technologies asking if licensure is required to perform fire, arson, and fraud investigations in Vermont. The Board confirmed that they would not fall under any exemption (26 V.S.A. § 3151a) and that licensure is required (26 V.S.A. § 3151 (c)). A complete packet of information will be forwarded to them.
- d. The Board reviewed the letter from Premier Investigations regarding the sale of the business and desire to keep the company name. Based on the discussion that ensued, the Board voted to refer the matter to its Counsel for a legal opinion.
- e. The Board discussed Firearms Training Certification.

Mr. Coane presented a September 10, 1992 draft for firearms qualification requirements from which the Board developed minimum standards. The Board reviewed the outline and made a few pointed changes for clarification. A minimum of 12 hours of classroom instruction in basic firearms is required (four (4) hours Police revolver; four (4) hours semi-automatic handgun; and four (4) hours police shotgun). The course outline covers Qualification of Instructors and Basic Firearms Instruction.

The Board concluded that current/valid copies of the following documents shall be maintained on file with the Board (at the Office of Professional Regulation):

- 1) instructor's certification course;
- 2) Instructor's license;
- 3) Instructor's course(s) of instruction

Based on the discussion that ensued, Mr. Edwards made a motion, seconded by Mr. Blais, to adopt these criteria as the Board's Minimum Standards for a Firearms Qualification Program. The Board voted to use its Range Qualifications for each weapon as internal guidelines. Members noted that that information must also be updated. Motion passed unanimously.

The Board agreed to send out another Memorandum to interested persons concerning its February 21st public meeting on this subject to determine how many persons plan to speak and if there will be sufficient room at Redstone. The Notice will include the Board's Minimum Standards as adopted above and will remind everyone that written comments are welcome.

6. Public Comment:

Mr. Stockton asked the Board to review his application as Qualifying Agent and approve it subject to his successful completion of the examination. He said his application is complete and that he is scheduled to sit for the examination at the end of the month.

The Board explained that the examination component is a large portion of the application process, and that it is not willing to approve applications subject to passage of the examination. All applications are scheduled for review once the applicant has submitted a completed application and passed all applicable examinations. The matter will be schedule for the next meeting.

- 7. The date of the next meeting is scheduled for **Friday, February 21, 2003.**
- 8. Mr. Blais made a motion, seconded by Mr. Edwards, to adjourn the meeting at 11:45 p.m. Motion passed unanimously.

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Respectfully submitted,

Carla Preston, Unit Administrator
Patty Skinner, Administrative Assistant
Office of Professional Regulation