

**Vermont Secretary of State
Office of Professional Regulation**

**BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES
MINUTES
JULY 15, 2005**

01. Call to Order 9:02 a.m.

Members Present: Danny A. Coane, Chairperson; Leo Blais, Vice Chair; Liz Gilligan, Public Member and Emma Pudvah, Ad Hoc Member. **Absent:** Robert Edwards, Secretary.

OPR Staff Present: Christopher Winters, Director of OPR [Board Counsel]; Patty Skinner, Administrative Assistant; and Carla Preston, Unit Administrator.

Others Present: Frank Kinney with Deter Security; Dana Maxfield with Deter Security; Mark E. Stockton with Stockton Security; Greg Wholean with MVM, Inc.; Robert Smith with MVM, Inc.; Michael Smith with The Wackenhut Corp.; David Cahee with Censor Security and April Elrick with Hunter North Security, Inc.

- 02.** The Chair called for approval of the minutes of the June 17, 2005 meeting. Mr. Blais made a motion, seconded by Ms. Pudvah, to approve the minutes of the June 17th meeting as presented. Motion passed unanimously.

03. Hearings

At 9:15 a.m. a Hearing was held with regard to the Board's preliminary denial of Michael J. Smith's application, Docket Number APP-PD01-0705. Attorney Christopher D. Winters presided for the Board. The Board voted to go into deliberative session at 9:30 and out at 9:34 a.m. Ms. Gilligan made a motion, seconded by Ms. Pudvah, to reverse the Board's preliminary decision to deny Mr. Smith's registration and to approve him for registration. The question was called and the motion passed unanimously.

04. Complaints/Follow-up

Docket No. PD12-1203 – Follow-up case. The Board reviewed MVM Inc.'s Report for July of 2005, a Condition imposed on its license. Mr. Blais made a motion, seconded by Ms. Pudvah, to accept the Report as compliance with the Order. Motion passed unanimously.

05. Applications to review

- a. Vescom Corporation – Basic Training Course. The Board reviewed the training program and noted that information with regard to record keeping and the name of the person responsible overall for the training was needed. Mr. Blais made a motion, seconded by Ms. Pudvah, to accept the information submitted thus far. Final approval is subject to receipt of and review by Members of the Board. Motion passed unanimously.

- b. MVM, Inc. – Basic Training Course. Greg Wholean and Robert Smith with MVM Inc. were present. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Gilligan, to approve MVM Inc.'s basic training program. Motion passed unanimously.
- c. Front Line Security School – Basic Training Course. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Front Line Security School's basic training program. The Board noted that the name of the school must be registered with the Secretary of State's Corporations Division. They will be notified. Motion passed unanimously.
- d. Valor Security – Basic Training Course. The Board reviewed the training program and noted that clarification was needed with regard to field training because it appeared to be on-the-job training. The Board contacted Mr. Enzor with Valor and stated its concerns. He indicated that the reference to field training is in fact classroom training and that site specific training is workbook. He agreed to revise his cover letter and fax it to the Board. Mr. Blais made a motion, seconded by Ms. Gilligan, to accept the information submitted thus far. Final approval is subject to receipt of and review by Members of the Board. Motion passed unanimously.
- e. Ronald R. Wheatley – Armed Security Guard with AT Systems, Inc., which was tabled from June meeting pending further documentation. The Board noted that no additional documentation had been received as requested. Ms. Pudvah made a motion, seconded by Ms. Gilligan, to preliminarily deny Mr. Wheatley for registration based on 26 V.S.A. § 3181 (b) (15) *"Failing to provide information requested by the Board;"* and 26 V.S.A. § 3181 (b) (18) *"Providing incomplete, false or misleading information on an application."* The question was called and the motion passed. Mr. Coane recused himself.
- f. Philip Hopkins II – Unarmed Guard with AT Systems, Inc. The Board noted that Mr. Hopkins was previously registered and that the VCIC background check did not show a record, but did this time. The previous check did not include the 2nd (II) after his name. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to table this application for the August meeting pending further documentation. Motion passed unanimously.
- g. Adam Flick – Unarmed Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Gilligan, to preliminarily deny Mr. Flick for registration based on 26 V.S.A. § 3181 (b) (15) *"Failing to provide information requested by the Board;"* and 26 V.S.A. § 3181 (b) (18) *"Providing incomplete, false or misleading information on an application."* Motion passed unanimously.
- h. Patrick Rideout Jr. – Unarmed Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Gilligan, to preliminarily deny Mr. Rideout for registration based on 26 V.S.A. § 3181 (b) (15) *"Failing to provide information requested by the Board;"* and 26 V.S.A. § 3181 (b) (18) *"Providing incomplete, false or misleading information on an application."* Motion passed unanimously.

- i. Loomis Fargo & Company – Basic Training Course. Review of their course was tabled because it did not arrive in time for the meeting.
- j. Censor Security – Basic Training Course. Mr. Cahee was present for the discussion re this matter. The Board reviewed the course and noted that it appeared to lack information concerning record keeping. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Gilligan, to approve Censor Security's Training Course pending receipt and review of that information. Mr. Cahee noted that that information was included in the introduction section of the program. Mr. Blais made a motion, seconded by Ms. Gilligan, to rescind his first motion, and a new motion to approve the entire training program. The question was called and the motion passed unanimously.
- k. Saber Security – Basic Training Course. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Saber Security's training program. Motion passed unanimously.
- l. Adam White – Unarmed Security Guard with Murphy's Detective Agency/ADA Security. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to preliminarily deny Mr. White's registration based on 26 V.S.A. § 3181 (b) (15) "*Failing to provide information requested by the Board;*" and 26 V.S.A. § 3181 (b)(18) "*Providing incomplete, false or misleading information on an application.*" Motion passed unanimously.
- m. April Elrick – Unarmed Security Guard with Hunter North Associates was present. She said she had been previously registered with another company, but had allowed her registration to lapse as of May 31, 2005. She also indicated that she had been armed, but needed to update her firearms training. She asked the Board to consider waiving the training requirement based on her past registration and experience. Based on the information she provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Ms. Elrick for registration. The Board noted that she would be eligible for an upgrade to armed status upon receipt of current firearms certification and applicable fees. Motion passed unanimously.

06 Correspondence

- a. The Board reviewed the E-mail from Mark Markett of Guardsmark, LLC, with questions regarding licensure and qualifying agents. He asked if his combination agency could be registered as two separate agencies each with its own qualifying agent. The Board had no objection to two separate licenses, but noted that applicable fees and other requirements would apply.
- b. The Board reviewed the Email from Russell Bixby regarding whether or not his company would have to be licensed in Vermont. Based on the information he provided, the Board concluded that his company would not fall under the exemptions as stated in § 3151a Exemptions (4) and (b) (2), and that licensure would be required.

07. Old Business

- a. The Board reviewed the policy titled, Retired Law Enforcement Firearms Training Policy prepared by Christopher Winters, Board Counsel. Mr. Blais made a motion, seconded by Ms. Gilligan, to accept the Policy as drafted. The Chairman signed the Policy. Motion passed unanimously.
- b. The Board agreed to amend the wording on question #1 of the application to read, "*Have you ever been arrested in Vermont or in any other state or jurisdiction.*"

08. Public Comments

- a. Messrs Smith and Wholean with MVM Inc. indicated that FBI background checks must be performed on all employees prior to their being allowed to work. They asked the Board for a waiver of its requirements for another FBI background check. They noted that if the record check comes back unfavorable, the potential employee is terminated on the spot. They asked the Board to consider a letter directly from Homeland Security, noting that an FBI record check was performed on this individual and that it is favorable [Favorable Adjudication Letter]. They noted that these background checks are performed much quicker than the 9-12 weeks it takes for the Board to receive a response. They provided sample forms/letters, which indicated a favorable adjudication. They noted that the background check includes fingerprints.

The Board indicated that it would consider approval of this waiver provided the background check was the same or greater than what Vermont requires. The Board's statutes and rules do not indicate that the federal background check has to be performed by Vermont/Board, only that it has to be performed.

The Board asked them to provide other samples on FBI letterhead, which states what the background record check consists of.

- b. Mr. Kinney with Deter Security was present and introduced Dana Maxfield who is now involved in the business. He asked if Mr. Maxfield could provide training. The Board referred Mr. Kinney to Rule 2.6(D) (1) regarding Instructors.

Mr. Kinney also mentioned having spoken with Senator Wendy Wilton regarding the recent statutory changes pertaining to training requirements for part-time employees. Mr. Kinney said he would be working with the Senator and other agencies to try and get the statutes amended. He said he wants to work with the Board and OPR concerning these changes. The Board noted that it appreciated the heads-up concerning their plans to amend the language with regard to training requirements.

- 09.** There being no further business, the Board adjourned the meeting at 12:35 p.m.

NEXT MEETING DATE FOR 2005: August 19, 2005