

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

**BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES
MINUTES
MARCH 18, 2005**

- 01.** The meeting was called to order at 9:02 a.m.

Members present: Danny A. Coane, Chairperson; Robert E. Edwards, Secretary; Liz Gilligan, Public member and Emma Pudvah, Ad hoc member.
Members absent: Leo Blais, Vice Chair

OPR Staff present: Christopher D. Winters, Board Counsel; Carla Preston, Unit Administrator and Patty Skinner, Administrative Assistant.

Others present: Kent Maxfield with Deter Security; Frank Kinney with Deter Security; Mark E. Stockton with Stockton Security; W.B. (Bart) Butler with Green Mountain Concert Services; Roger Tuttle with Vescom Corp.; Nancy Warren; Martin W. Messimer; Jeff G. Oden and William M. Patterson.

- 02.** The Chair called for approval of the Minutes of the February 18, 2005 meeting. On page 3, #12 was corrected to read Mr. Edwards. Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve the Minutes of the February 18th, 2005 meeting as corrected.

03. Hearings/Stipulations

- a. At 10:00 a.m. the Board held a hearing regarding its decision to preliminarily deny Nancy G. Warren. Attorney Christopher Winters presided for the Board. The board went into deliberative session at 10:38 and out at 10:45. Mr. Edwards made a motion, seconded by Ms. Pudvah, to reverse the Board's preliminary decision and issue Ms. Warren a registration.. Motion passed unanimously.

04. Reports

05. Legislation/Rulemaking

- a. The training program review process was tabled for the next meeting in April.
- b. Attorney Winters reported on the status of the proposed rules. He said the Legislative Committee on Administrative Rules asked the Board to extend the effective or implementation date of the rules to July 1st to allow

05. Legislation/Rulemaking (cont.)

- b. Jeremy Spaulding time to submit draft legislation for consideration. He said the Board is on the agenda for the Committee's March 24th hearing. He said without LCAR's approval the rules would still have the power of law, but could be challenged in court.

Bart Butler with Green Mountain Concert Services indicated that his company provides crowd management, which is different than the role of an "industrial" security officer. He said they have been working with the International Association of Assembly Managers (IAAM) to draft legislation to have the definition of "security" changed and/or to add a definition of crowd management. He said they are not asking to be exempt (e.g., ticket taker or usher). He said the rolls of event staff versus security are different. He said they do not mind training requirements, but noted that 40 hours is very burdensome. He said GMCS has prepared a 40-hour training course. He said employees while in training must be paid and for employees to work, they must hold a temporary permit. He said he is concerned about his company's survival under the proposed requirements. Mr. Butler said they do have support in the Legislature for a change. He agreed to share the proposed legislation with the Board and its guests once drafted.

Mr. Maxfield said that although he agrees with the intent, he is very concerned about the ripple effect of "rush" legislation. The language must be worded very carefully.

Mr. Stockton said that based on his discussions with Committee members, it would be best to wait on the implementation date.

The Board stated that it had concerns about different levels of licensure, noting that such legislative changes would require another rewrite of its rules to incorporate limited or restricted licensure/registration. A license or registration currently grants permission for all areas covered under the definition.

As a result of the discussion, Mr. Edwards made a motion, seconded by Mr. Coane, to set an adopted date for the rules as of June 1, 2005, and effective or implementation date of July 1, 2005. The question was called and the motion passed unanimously.

Attorney Winters agreed to research Labor and Industry's requirements with regard to circumstances requiring payment of wages (i.e., applicants in training, employees, etc.).

06. Complaints/Follow-ups

- a. Follow up case regarding MVM (Docket No: PD12-1203) Report for March 2005 was reviewed by the Board. Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve the report. Motion passed unanimously.

07. Topics for Newsletter

Disciplinary Action	Rules
Return of original license	Notification of terminated employees
Criminal charges incurred during time of employment	

08. Applications to review

- a. Steven G. Brault – Unarmed Security Guard with Deter Security, Inc. Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Steven G. Brault for registration. Motion passed unanimously.
- b. KeriAnne H. Chamberlin – Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Gilligan, to approve KeriAnne H. Chamberlin for registration. Motion passed unanimously.
- c. Jeff J. Hansen – Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Mr. Hansen for registration. A letter explaining that he should always answer yes to question #1 in the future will be mailed to him. Motion passed unanimously.
- d. Martin W. Messimer – Unarmed Guard with Wackenhut Corp. Mr. Messimer was present and agreed to waive executive session to discuss his application. Based on the information presented, Mr. Edwards made a motion, seconded by Ms. Pudvah, to approve Mr. Messimer for registration. Motion passed unanimously.
- e. Jeffrey G. Oden – Unarmed Security Guard and Private Investigator with Maximum Security, Inc. Mr. Oden was present and agreed to waive executive session to discuss his application. Based on the information presented, Mr. Edwards made a motion, seconded by Ms. Gilligan, to approve Mr. Oden for registration. Motion passed unanimously.
- f. William M. Patterson – Unarmed Security Guard with Vescom Corporation. Mr. Patterson was present and agreed to waive executive session to discuss his application. Based on the information provided, Mr.

08. Applications to review (cont.)

- f. Edwards made a motion, seconded by Ms. Gilligan, to approve Mr. Patterson for registration. Motion passed unanimously.
- g. Gerald P. Pike – Unarmed Security Guard with Censor Security, Inc. Based on the information provided, Ms. Pudvah made a motion, seconded by Ms. Gilligan, to approve Mr. Pike for registration. Motion passed unanimously.
- h. Professional Litigation & Polygraph Services, LLC as a private investigative agency with Aldo S. Fantoni as the qualifying agent. Based on the information provided, Ms. Pudvah made a motion, seconded by Ms. Gilligan, to approve Professional Litigation & Polygraph Services, LLC for licensure as a private investigative agency with Aldo S. Fantoni as qualifying agent. Mr. Edwards recused due to his relationship with the applicant. Motion passed.

09. New Business

- a. The Board reviewed and noted Krista Billings' response regarding delays in processing FBI background checks. She explained that currently she is the only person assigned to this task and is responsible for over 200 agencies. She mentioned that in the fall of 2005, the process would be upgraded to an electronic version, which should speed up the process.

Mr. Stockton asked why the Office could not submit the fingerprints directly to the FBI and noted that the public (i.e., persons purchasing fire arms) has this ability. He said Police Departments have the ability to submit fingerprints directly to the FBI for background checks.

The Board explained that currently it and other agencies must go through Public Safety at the Vermont Criminal Information Center (VCIC) in Waterbury. The Board agrees that the current process is slow and is hopeful that converting to an electronic version will speed up the process for background checks.

The Board agreed to invite Max Schroeder with VCIC to an upcoming meeting (May) to discuss the matter further.

10. Old Business

11. Public Comments

- 12. There being no further business Mr. Coane made a motion, seconded by Mr. Edwards, to adjourn the meeting at 12:22 p.m. Motion passed unanimously.