

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 June 19, 2009

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

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

Members absent: Stacey Nelson

OPR Personnel: Christopher D. Winters, OPR Director, Kevin F. Leahy, Board Counsel, Carla Preston, Unit Administrator, Patty Skinner, Administrative Assistant.

Others present: Daniel Coane, Al Hayford, Jeremy Spaulding and Frank Kinney.

2. The Chair called for approval of the Minutes of the May 15th meeting. Mr. Jennings made a motion, seconded by Mr. Eckhardt, to approve the Minutes of the May 15, 2009 meeting as presented. Motion passed unanimously.

3. **Reports**

Christopher Winters, Director of the Office of Professional Regulation, attended the meeting to discuss the appearance of licenses. He mentioned conversations and email exchanges with the association, VAIS. He presented a Memo that sets out the requests, eight points made, from VAIS. He apologized to the Board for getting brunt of dissatisfaction. First renewal with new system, not enough time to work on what licenses/certificates looked like. Understands this professions needs to show license and that it needs to look professional. Changed what prints on the language as shown in memo. Are redesigning the certificates, may go to a state seal as watermark in the background. Are looking at heavier stock paper options and pricing. Not sure can do the 3x5 size card vs. wallet size. He went over proposed responses.

RE, cards not professional, wants to see similar to driver's license, plastic stock, easier to carry and looks profession. Can use both sides when on plastic stock. Aware is more expensive and could be included. He wants for both security and investigators and recommends for all professions.

CW few professions use actual ID card.

MJ, costs? CW, need to research, cost would be spread over profession.

JS, has magazine that shows options with a photo. Does not believe much of an increase to profession. NH issues a plastic Id, NY scans picture and appears on ID, CT takes picture and appears on license. Does not believe would impact cost that much. He will find magazine and forward it to OPR for review. CW, yes, please do so. Up to OPR if needed. Likes pocket card.

FK, opposite view, he laminates the smaller card and it lasts for 2 years. Very low cost, bought laminator and does it, works well. \$45 laminating machine.

JE, change guard to security officer, is happening world wide. Work something with DMV?

DC, card does fit, not representing VAIS, is a member. Agrees with memo, state seal, and signature, all great. DMV commissioner leaving, retiring, could revisit the issue with DMV. DMV needs file with template. Fees, costs associated go to SS; some could go to DMV for doing it.

JE and BE have state IDs from DMV. Need cooperative effort. Go to DMV and get it issued, looks professional.

PS, Public safety has something similar to DMV cards issued.

MJ and DC mentioned cases where had to present other IDs with photo.

JS, like optional choice, go to expense if wish vs. having to get that license from DMV or somewhere else. If an extra \$5 ok,

DC, officer issue other card and with that give form needed to go to DMV to have upgraded card if they want it. Info on paper copy is fine.

CW agreed to explore the option of having it optional and go to DMV or wherever to get plastic card...

JE, just have licensee/registrant take card from OPR and have it upgraded.

JS, in response to Ps Skinner's concern about photo belonging to holder of license. What would they need?

Believe driver's license and non-photo license would be acceptable to DMV to update the license.

JC agrees with Chris' outline in memo. Association would be satisfied. Great to have additional card from DMV. He would support this effort.

CW, reissue licenses? Board: Not now, but in next two years yes.

MJ, need to reissue licenses for PIs. Security guards are ok. CW will check with DMV and if willing to do it, will wait to reissue.

FK, are inconsistencies in how the licenses print. PS new applications print ok, some renewals were updated and will print showing agency name and address.

CW will look at it further. He will send template to VAIS and Board. If go to DMV then would not need to work that hard on template.

Are lots of good things from new system?

CW, vendor moving to new online system. Working with CT first so will see.

Board: are coming along way from where they were! Thanks to Chris.

4. **Hearings/Stipulations/Reports of Concluded Investigations**

- a. 2008-230 (PD21-0608) – The Board reviewed the Report of Concluded Investigation which was tabled from the May 15th meeting. Based on the information provided, Mr. Jennings made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude this case without the filing of charges. Motion passed. James Eckhardt, Investigating Member, did not participate in the vote.
- b. 2008-238 (PD-24-0608) - The Board reviewed the Report of Concluded Investigation which was tabled from the May 15th meeting. Based on the information provided, Mr.

Jennings made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude this case without the filing of charges. Motion passed. James Eckhardt, Investigating Member, did not participate in the vote.

- c. 2008-490 (PD06-1208) and 2008-491 (PD07-1208) - The Board reviewed the Report of Concluded Investigation. Based on the information provided, Mr. Eckhardt made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation and conclude this case without the filing of charges. Daniel Coane, Investigating Member, was present.

5. **Legislation/Rulemaking**

The Board reviewed draft changes to the statutes. Proposed changes included sections 3151, 3171, 3172, 3173 and 3174. Kevin going forward, helpful to review and send email response to Kevin and Carla re the drafted language. Change word guard to security officer, coming nationwide. Kevin and Carla will continue to review and make changes. Term of art for armored car, transport, courier, etc.? **Armored Transport** covers all. Better term but needs to be defined, physical or material, etc. Replace armored car with Armored Transport. Send members KL and CP proposed changes in advance.

6. **Applications for Licensure**

- a. Gary Turgeon requested to be an investigative instructor for the Vermont Academy of Investigative & Security Services 40-hour training program. Chairman Edwards indicated that he has taken his course and is considering him as a subcontractor for the training program his school offers. Mr. Turgeon will be under Mr. Edwards' supervision until ready to take over. Mr. Edwards said he is qualified to instruct the investigative portion at this time. Mr. Jennings made a motion to table this request until such time Mr. Turgeon has instructed the training course before the current instructor (Mr. Edwards). The motion was seconded by Ms. Pudvah and passed. Mr. Edwards did not participate in the vote.
- b. Global Options, Inc. as a Private Investigative Company with Richard Taffet as the qualifying agent. Mr. Jennings made a motion, seconded by Ms. Pudvah, to approve both the Agency and Mr. Robinson for licensure as the Qualifying Agent. Motion passed unanimously.
- c. Al Hayford with US Security Associates attended the meeting to request a waiver for Gregory J. Sadaro. Mr. Eckhardt made a motion, seconded by Mr. Jennings, to grant a full waiver of the training requirements as requested. The Board concluded that Mr. Sadaro had sufficient training. The question was called and the motion passed unanimously.
- d. Neil Abrahamson – Unarmed Security Guard with Green Mountain Concert Services Inc. Mr. Spaulding was present to discuss the case. Based on the information presented, Mr. Jennings made a motion, seconded by Ms. Pudvah, to invite Mr. Abrahamson to attend the next meeting to discuss his prior criminal history. Motion passed unanimously.

7. **Training Program Review**

8. **Miscellaneous Correspondence**

- a. Letter from the Defender General's Office in reply to letter written by Mr. Edwards. Letter shared with Kevin. Issue was discussed and his response. They have in house salaried person and others, employment relationship, privileges are with outside counsel. Spirit of law is that law firm accepting responsibility of the work. Indigent client, client not paying. 1099 vs. W2, spirit one atty, control and responsible is under play. KL could agree it's ok if that is how it is working. Language uses "regularly employed"

KL, 1099 could be evidence of unlicensed practice but not in an of itself.
That 1099 is issued by the State of Vermont not by the agency. What umbrella for insurance does he/she fall under?

KL, Def General says has no unlicensed people and people working for that office are ok.
DGeneral did answer the question and is satisfactory, although still a bit unclear.

DC said he bills Defender General not the attorney he's doing the work for. He is retained by the attorney. DC said he has worked for defender general before and is paid for by the state.

10. **Public Comment**

FK, venue to big for him to handle, subcontracting or sharing was discussed. Take license and work for another agency, license tethered to the agency, cannot borrow registrants from another agency? Is it permitted? The other officers would not have been licensed with his agency. BE, could subcontract with the other agency, training could be different, and disagree, whose fault? Board would look at the employing agency. Liability? Not for this board to answer. KL, if someone engages unprofessional conduct regardless of contractual relationship. Deter would have to write other company a check. Uniforms. Venue might ask guards to wear a certain uniform.

11. **Other Business Introduced**

12. The next meeting of the Board is scheduled for **July 17, 2009** at 9:00 AM.

15. The meeting was adjourned at 10:47.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation