

Office of Professional Regulation  
**BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES**  
**APPROVED MINUTES**  
**MEETING OF JULY 20, 2007**

1. The meeting was called to order at 9:07 a.m.

Members present: Robert E. Edwards, Chairman; James R. Eckhardt; Elizabeth Gilligan; and Stacey Nelson. Absent: Leo P. Blais, Secretary.

OPR Staff present: Kevin F. Leahy, Board Counsel and Carla Preston, Unit Administrator.

Applicants present: Michael Thomas, and Scott L. Jackson.

2. The Chair called for approval of the Minutes of the June 15<sup>th</sup> meeting. Mr. Eckhardt made a motion, seconded by Ms. Gilligan, to approve the Minutes of the June 15, 2007 meeting as presented. Motion passed unanimously.

3. **Hearings/Stipulations**

4. **Complaints/Follow-up cases:**

**PD07-0107** – The Board reviewed the Report of Concluded Investigation. Based on the information provided, Mr. Eckhardt made a motion, seconded by Ms. Gilligan, to accept the Investigative Team's recommendation and conclude this matter without charges. The question was called and the motion passed unanimously. (Daniel A. Coane was the Investigating Member assigned to this case.)

5. **Legislation/Rulemaking**

6. **Applications Reviewed/Discussed**

- a. **Ryan J. Mirpanah** –The Board reviewed Mr. Mirpanah's application for registration as an Unarmed Security Guard with Green Mountain Concert Services, which was tabled from the June 15<sup>th</sup> meeting. The Board noted that the application had been withdrawn, thus no further action was taken.
- b. **Travis L. Weston** – The Board reviewed Mr. Weston's application for registration as an Unarmed Security Guard with The Wackenhut Corporation, which was tabled from the June 15<sup>th</sup> meeting. Mr. Eckhardt made a motion, seconded by Ms. Nelson, to preliminarily deny Mr. Weston's application for *failing to provide information requested by the Board and providing incomplete, false or misleading information on an application*. Motion passed unanimously.
- c. **Richard A. Mayer** –The Board reviewed Mr. Mayer's application for registration as an Unarmed Security Guard with U.S. Security Associates. Mr. Eckhardt made a motion, seconded by Ms. Nelson, to request that the applicant make a personal appearance to discuss his application. Motion passed unanimously.
- d. **John R. Elliott** –The Board reviewed Mr. Elliott's application for registration as an Unarmed Security Guard with U.S. Security Associates. The Board needs clarification with regard to his training and employment history. Mr. Eckhardt made a motion, seconded by Ms. Gilligan, to table this matter to the next meeting pending receipt of the additional information.

- e. **Michael Thomas** –The Board reviewed Mr. Thomas’ application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Mr. Thomas was present for this discussion and waived executive session. Mr. Eckhardt made a motion, seconded by Ms. Gilligan, to approve Mr. Thomas for registration. Motion passed unanimously.
- f. **Ronald H. Noel** – The Board reviewed Mr. Noel’s application for registration as an Unarmed Security Guard with U.S. Security Associates. Mr. Eckhardt made a motion, seconded by Ms. Nelson, to preliminarily deny Mr. Noel’s application for *failing to provide information requested by the Board and providing incomplete, false or misleading information on an application*. The Board also noticed gaps in Mr. Noel’s experience record. Motion passed unanimously.
- g. **Christine L. Seymour** – The Board reviewed Ms. Seymour’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Ms. Nelson made a motion, seconded by Mr. Eckhardt, to preliminarily deny Ms. Seymour’s application for *failing to provide information requested by the Board, providing incomplete, false or misleading information on an application, and convictions related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession*. The question was called and the motion passed unanimously.
- h. **Fieldview Investigations & Research** submitted an application for a private investigative agency with R. Peter Laskowski as the Qualifying Agent. The Board needs additional information and verification that would further substantiate Mr. Laskowski’s investigative experience, which is needed to qualify him to become licensed as a Private Investigator and the Qualifying Agent of his Agency. Mr. Eckhardt made a motion, seconded by Ms. Nelson, to table this application pending receipt of the additional information requested. Motion passed unanimously.
- i. **Capital Investigating & Adjusting** submitted information for approval of its 40-hour training program. Based on the information provided, Mr. Edwards made a motion, seconded by Mr. Eckhardt, to approve this training program and its instructors. Motion passed unanimously.
- j. **Scott L. Jackson** – Mr. Jackson attended the meeting to discuss acceptable firearms training. He said he is a retired federal agent and holds an Armed Private Investigator’s license. He said when he renewed his license in 2005, his federal firearms training was accepted. He said it was not accepted when he renewed in 2007, and was given a 60-day Temporary license in which to obtain re-certification under an instructor licensed by the Board. Mr. Jackson believes that the firearms training and re-certification required by the state and federal law enforcement is much stricter and exceeds the firearms training for licensed instructors. He said he believes the requirements of Vermont’s licensing law (26 V.S.A. § 3175a) are effectively met by his compliance with federal law. He feels there is latitude to allow his law enforcement training to substitute for Vermont’s licensing law. Under the “Law Enforcement Officer Safety Act of 2004,” Mr. Jackson explained that he is permitted to carry a gun in most other situations.

The Board agreed that Mr. Jackson’s technical training meets the training goals for licensed instructors. It also agreed that the statute could be clearer or that it is reasonable to consider amending it.

Board Counsel Kevin Leahy explained that Vermont law does not provide for exceptions. He said a licensed instructor, as part of a firearms program, has latitude to accept the range portion of another agency's training as part of the licensee's, but that is a determination that must be made by a board licensed instructor. The Board approves the firearms training program in which the licensed instructor will be teaching.

Mr. Leahy said there is a rationale to consider changes to the licensing law requirements. Absent a legally recognized exception to current licensing requirements, however, all licensees must follow the current law as adopted by the State of Vermont.

Mr. Jackson asked the Board if it would grant him a 60-day extension in which to acquire the re-certification under a licensed instructor. He was provided with a list of licensed firearms instructors. He said he would be willing to assist the Board with amending the language.

Based on the discussion that ensued, Mr. Eckhardt made a motion, seconded by Ms. Nelson, to grant Mr. Jackson another 60-day temporary license. The question was called and the motion passed unanimously.

**7. Follow Ups**

- Board to develop criteria for spot checks (inspections)
- Board to work on Policy regarding fingerprint cards
- Board to address the issue of forensic services via computers, etc.

**8. Correspondence**

The Board reviewed and noted the Email from Corrina J. Clements, Kansas Bureau of Licensing, regarding digital evidence.

**9. Budget Review**

The Board would like to discuss the budget further with Business Manager, Paul Daley at an upcoming meeting.

**10. Other Business**

The Board asked for further clarification as to the investigative process, particularly when a problem or complaint is raised by a member of the Board. They asked why that member could not be the investigating member assigned to the case since they have knowledge about the issue. Mr. Eckhardt gave an example of a police officer scenario who is the complainant, witness and visits with the prosecutor. Members reported that they are aware of a lot of unlicensed practice issues that need to be looked into.

Mr. Leahy explained that in situations where the complainant is also a witness to the matter and the investigating team member assigned to the case, privileges go out the window. He said not all cases require a Board member (expert) assigned to it. He said complainants are notified if charges are filed, but investigative reports or most other details are not shared with them (3 V.S.A. 131).

Mr. Leahy also pointed out the logistical problems already involved where a board member is the complaining witness. When a Board member testifies as a complaining witness, OPR must empanel a new and impartial board to hear the case. Also, unlike the police witness scenario, the

prosecution employs board members for technical and expert advised and the advising board members are thus privy to attorney work product and other privileged information.

Mr. Leahy said that the Real Estate Commission has been developing a Stipulation and Consent Order (agreement among the parties) that issues a “ticket” when there is a clear violation. He said there would be no finding of unprofessional conduct. The fee (penalty) would increase and would be considered unprofessional conduct if the penalty is not paid. The greater the offense, the greater the fee imposed. He added that because it is very difficult to inspect out-of-state agencies/facilities, the Board might want to consider requiring that training and other records be maintained and stored in the State of Vermont. This issue may be discussed further at the Board’s upcoming “work” session.

**11. Public Comments**

**12.** There being no further business, the meeting was adjourned at 11:14 AM.

**13.** The date of the next regularly scheduled meeting of the Board is set for August 17, 2007. The Board scheduled its work session to go over the statutes and rules on September 7, 2007 at 9:00 AM.

Respectfully submitted,

Carla Preston  
Unit Administrator  
Office of Professional Regulation