

**Vermont Secretary of State
Office of Professional Regulation
BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES
UNAPPROVED MINUTES
JULY 16, 2004**

1. The meeting was called to order at 9:05 a.m.

Members present: Daniel A. Coane, Chairperson; Leo P. Blais, Vice-Chair; and Emma Pudvah and David Hough, Ad Hoc Members. Members Absent: Robert E. Edwards, Secretary.

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

Others present: Frederick Matthews and Jennie E. Miller.

2. The Chair called for approval of the Minutes of the June 25th and July 1st meetings. Mr. Blais made a motion, seconded by Mr. Hough, to approve the Minutes of the July 1, 2004 meeting as presented. Mr. Blais made a motion, seconded by Ms. Pudvah, to table review and approval of the June 25th Minutes to the August meeting. Motions passed unanimously.

3. **Hearings /Stipulations**

- a. The Board held a hearing in the matter of Vescom Corp., Docket Number PD13-0204. Attorney Edward Adrian was present for the State. Christopher Winters presided for the Board. Mr. Blais made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. Motion passed unanimously. (Robert Edwards, Investigating member, was not present.)
- b. The Board held a hearing in the matter of Michael J. Baer, Docket Number PD14-0204. Attorney Edward Adrian was present for the State. Christopher Winters presided for the Board. Mr. Blais made a motion, seconded by Ms. Pudvah, to accept the Stipulation and Consent Order as presented. Motion passed unanimously. (Robert Edwards, Investigating member, was not present.)
- c. The Board held a hearing (Default) in the matter of Unit 1 Security, LLC, Docket Number PD01-0703. Attorney Edward Adrian was present for the State. Christopher Winters presided for the Board. Mr. Blais made a motion, seconded by Mr. Hough, to find the Respondent in default and to revoke the license of Unit 1 Security LLC. Mr. Coane, Investigating Member, did not participate in the vote. Motion passed.

- d. The Board held a hearing (Default) in the matter of John Robert Borthwick, Docket Number PD16-0204. Attorney Edward Adrian was present for the State. Christopher Winters presided for the Board. Mr. Hough made a motion, seconded by Ms. Pudvah, to find the Respondent in default and to revoke Mr. Borthwick's license. Mr. Coane, Investigating Member, did not participate in the vote. Motion passed.

4. Reports

5. Legislation/Rulemaking

- a. A public hearing will be held on August 10, 2004 at 10:00 a.m. regarding the proposed changes to Rules of the Board of Private Investigative & Security Services. Notices will be sent to all agencies. The proposed changes will be posted on the Board's Web site and available in hard copy upon request.

With regard to proposed legislation for the next session, members discussed the possibility of changing the Board's composition to four professional members and one public member. Members noted the difficulty in meeting quorum requirements. The Board felt that it had a strong argument for such a change. Attorney Winters agreed to draft legislation for consideration.

6. Complaints

- a. ULP-PD19-0304 – Report of Concluded Investigation. Mr. Hough made a motion, seconded by Ms. Pudvah, to accept the Investigative Team's recommendation to conclude this matter without charges. Mr. Coane, Investigating member, did not participate in the vote. Motion passed.

7. Applications reviewed

- a. Harold Wayne Foster – The Board reviewed Mr. Foster's application for registration as an Unarmed Security Guard with Securitas, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Mr. Foster for registration. A letter from the Board stating that he must answer "yes," to question number one on all future applications will be included with his registration. Motion passed unanimously.
- b. Frederick Matthews – The Board reviewed Mr. Matthews' application for registration as an Unarmed Security Guard for Censor Security, which was tabled from the June 25, 2004 meeting. Mr. Matthews was present and waived executive session to discuss his application. Based on the information presented which included the Board's phone conversation

with his counselor, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Mr. Matthews for registration. Motion passed unanimously.

- c. Tammy Jean Inglee – The Board reviewed Tammy Jean Inglee’s application for registration as an Unarmed Security Guard with Hunter North Associates. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to preliminarily deny Ms. Inglee’s application for the following reasons: 26 V.S.A. § 3181 (b) (1) “Conviction of a crime of moral turpitude;” 3 V.S.A. §129a (a) (9) “Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession;” 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.
- d. John R. McGrath – The Board reviewed Mr. McGrath’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to request additional documentation, and if unable to obtain such documentation, a personal appearance is required. Motion passed unanimously.
- e. Donn E. Melen – The Board reviewed Mr. Melen’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to request that Mr. Melen make a personal appearance at the August 20th meeting in addition to submittal of any applicable supporting documentation. Motion passed unanimously.
- f. Michael C. Gillis – The Board reviewed Mr. Gillis’ application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Mr. Gillis for registration. Motion passed unanimously.
- g. Mary L. Bushey – The Board reviewed Ms. Bushey’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to preliminarily deny Ms. Bushey’s application for the following reasons: 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. David Langley – The Board reviewed Mr. Langley’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Hough made a motion, seconded by Ms. Pudvah, to preliminarily deny Mr. Langley’s

application for the following reasons: 26 V.S.A. § 3181 (b) (1) “Conviction of a crime of moral turpitude;” 3 V.S.A. §129a (a) (9) “Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession;” 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. Jeremy H. Spaulding – The Board reviewed Mr. Spaulding’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to approve Mr. Spaulding for registration. Motion passed unanimously.
- j. Denis T. Berthiaume – The Board reviewed Mr. Berthiaume’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to approve Mr. Berthiaume for registration. Motion passed unanimously.
- k. Kyle R. Wheeler – The Board reviewed Mr. Wheeler’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Mr. Wheeler for registration. Motion passed unanimously.
- l. Jennie E. Miller – The Board reviewed Ms. Miller’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services, Inc. Ms. Miller was present and waived executive session to discuss her application. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to approve Ms. Miller for registration. Motion passed unanimously.
- m. John S. Dunton – The Board reviewed Mr. Dunton’s application for registration as an Unarmed Security Guard with Securitas, Inc. The Board preliminarily denied Mr. Dunton’s application on May 27th and he was present at the June 25th meeting to discuss his application. However, due to other scheduled hearings, the Board was unable to hear him that day. Mr. Dunton did submit the documents requested by the Board. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to approve Mr. Dunton for registration. Motion passed unanimously.
- n. Mark A. Miles – The Board reviewed Mr. Miles’ application for registration as an Armed Security Guard with MVM, Inc. of California. Based on the information provided, Mr. Blais made a motion, seconded by Ms. Pudvah, to approve Mr. Miles for armed registration. Motion passed unanimously.

- o. Jeremiah Rogers – The Board reviewed Mr. Rogers’ application for registration as an Unarmed Guard with Censor Security. Based on the information provided, Mr. Hough made a motion, seconded by Ms. Pudvah, to approve Mr. Rogers for registration. Motion passed unanimously.
 - p. Ryan Wheeler – The Board reviewed Mr. Wheeler’s application for registration as an Unarmed Security Guard with Green Mountain Concert Services. Based on the information provided, Mr. Blais made a motion, seconded by Mr. Hough, to approve Mr. Wheeler for registration. Motion passed unanimously.
8. Update Regarding Old Business
- a. It was noted that Hunter North withdrew Mark Hession’s application as a registrant as of July 1, 2004.
 - b. With regard to the agency application for Mike K. Garcia Merchant Security, Inc. with Jason B. Gould as the Qualifying Agent, the documentation requested by the Board has not yet been received. The Board will continue to table this application.
9. Correspondence – None to Report
10. Public Comments – None to Report
11. The meeting was adjourned at 11:50 a.m.

Respectfully submitted,

Patty Skinner
Administrative Assistant