

BOARD OF PRIVATE DETECTIVES AND GUARDS

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Thursday, September 15, 2011

Time: 10:30 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Present: Randall W. Mack, III, Industry Member, Chair
Darryl Perry, Chief of Police, County of Kauai
Patrick W. Souza, Public Member
Gary Yabuta, Chief of Police, County of Maui
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Lesley Matsumoto, Secretary

Excused: Douglas Inouye, Public Member, Vice Chair

Guests: George Oliver
Matthew Paschoal
Neal Sakamoto

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by §92-7, Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, the meeting was called to order at 10:48 a.m. by Chair Mack.

Additions to
Or Deletions
From the Agenda: None.

Chapter 91, HRS
Adjudicatory
Matters: None.

Approval of
the Minutes: It was moved by Chief Perry, seconded by Mr. Souza, and unanimously carried to approve the minutes and executive session minutes of the July 14, 2011 meeting as circulated.

Executive Session: It was moved by Chief Yabuta, seconded by Chief Perry and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 10:50 a.m.

EXECUTIVE SESSION

Applications: a. Oral Interview for Licensure

1. George S. Oliver, Principal Detective
Sedgwick Factual Photo Inc.

It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to reconvene to the Board's regular order of business at 10:55 a.m. for the conclusion of the oral interview with the individual applicant.

The Executive Officer questioned Mr. Oliver as to the mailing address of the agency. Mr. Oliver responded that the agency's Hawaii business address has changed to a local agent Mr. Kyle Ray at 1003 Bishop Street, #1710 Honolulu, HI 96813.

The Executive Officer advised Mr. Oliver that the application will be amended to reflect the change in business address.

It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to approve the above application subject to meeting all licensing requirements.

Executive Session: It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 11:03 a.m.

EXECUTIVE SESSION

2. Matthew Gregory Paschoal, Sole Detective

It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to reconvene to the Board's regular order of business at 11:10 a.m. for the conclusion of the oral interview with the individual applicant.

It was moved by Chair Mack, seconded by Mr. Souza, and unanimously carried to approve the above application subject to meeting all licensing requirements.

Executive Session: It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 11:11 a.m.

EXECUTIVE SESSION

3. Neal O. Sakamoto, Sole Guard

It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to reconvene to the Board's regular order of business at 11:22 a.m. for the conclusion of the oral interview with the individual applicant.

It was moved by the Mr. Souza, seconded by Chief Perry, and unanimously carried to approve the above application subject to meeting all licensing requirements.

Executive Session: It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 11:25 a.m.

EXECUTIVE SESSION

It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to reconvene to the Board's regular order of business at 11:26 a.m.

c. Review for Examination

Guard/Agency

None.

Private Detective/Agency

It was moved by Chief Perry, seconded by the Chief Yabuta and unanimously carried to **approve** the following application for examination:

- i. Michael D.K. Chuck, Principal
RJV Investigations Inc.

d. Ratification

None.

e. Ratification for Status Changes

None.

f. Request to be a Principal for More Than One Entity

None.

Officer's Report: a. Office of Information Practices ("OIP")

None.

b. Ethics Commission

None.

c. Board Policies and Procedures

None.

d. Other

None.

Examination: a. Review & Report

The Executive Officer distributed the following results of the Private Detectives' and Guards' examination:

Private Detectives' Exam (administered July 21, 2011)

Exams Administered	2
Successful	1
Unsuccessful	1

Guards' Exam (administered July 21, 2011)

Exams Administered	1
Successful	0
Unsuccessful	1

Guards' Exam (administered August 18, 2011)

Exams Administered	2
Successful	1
Unsuccessful	1

Chief Perry provided questions relating to the pertinent HRS, Chapters for the examination and the package was forwarded to the Examination Branch Chief. Chair Mack and Chief Yabuta were advised that multiple choice questions should be developed.

Scope: a. State of Hawaii – Department of Human Resources Development, Inquiry Relating to the Impact of Act 208

Members discussed Ms. Lisa Hodges' e-mail and inquiry regarding the impact of Act 208 (SLH 2010) ("Act 208") on the Division of Conservation and Resources Enforcement

("DOCARE") which is located within the Department of Land and Natural Resources.

The Board reviewed the excerpts from Chapter 199, HRS, relating to the Conservation and Resources Enforcement Program, the duties and powers of Conservation and Resources Enforcement officers, and the minimum qualification specification for the Conservation and Resources Enforcement Officer series.

After careful consideration and based solely on the information provided to date, it was moved by Chief Yabuta, seconded by Mr. Souza and unanimously determined that although the Conservation and Resources Enforcement Officers are acting in a guard capacity under HRS chapter 463, they are "law enforcement officers" under HRS sections 710-1000 and 712A-1 (for purposes of HRS section 463-1's definition of a "guard"). In addition, the Board determined that the DOCARE is a "law enforcement agency". Accordingly, Conservation and Resources Enforcement Officers and other employees of DOCARE are not required to comply with the new guard registration and training requirements imposed by Act 208 or HRS chapter 463.

Unfinished
Business:

None.

New Business:

a. New Employee Registration Form

The Executive Officer informed members that the new semi-annual employee registration form is on the Board's website at www.hawaii.gov/dcca/pvl, and reported that the form is now fillable. This should ease the burden for employers.

Legislation:

a. Act 208 (S.B. No. 2165)
i. Subcommittee Report

The Executive Officer informed members that Chair Mack and Mr. Denis met with Ms. Preshess Willets-Vaquilar from Honolulu Community College ("HCC") to discuss the educational requirements in Act 208. Ms. Willets-Vaquilar informed them that she would have to speak with her superior to determine the feasibility of HCC not only providing the educational course, but being the coordinator through which all entities providing the course must funnel and to be sole issuer of certificates. The Executive Officer will keep the Board apprised after the meeting.

Chair Mack discussed the following options discussed with Ms. Willets-Vaquilar:

1. HCC Program which allows employers or other third party trainers:
 - a. Develop course outline using Board criteria.
 - b. Train – the – trainer (binder, course, power point CD, exam, etc.).
 - c. Offer security officer training.
 - d. Receive attendee data, issue certificate, send updates of electronic file to DCCA.

2. Board Program:
 - a. Companies submit training course and instructors to Board for review and approval.
 - b. Numerous providers – certificates from all those approved.
 - c. Numerous training programs out there – no consistency or standard.
 - d. Insufficient DCCA staff to handle applications and training provider approval.

3. Board using outside providers:
 - a. Develop RFP, contract, etc. to have provider develop course, issue certificates.
 - b. Professional Security Training Network ("PSTN") to develop, review and certify information.
 - c. Employers able to do in house training using PSTN or other vendor to insure standard training/course.

4. HCC to conduct all training and create exams for training modules:
 - a. While employers may negotiate contract classes with HCC, HCC is the sole provider of the initial training and continuing education.
 - b. HCC may be unable to handle demand.
 - c. HCC only issuer of certificates.

The Board deferred this issue until the Sub Committee can discuss these options.

Correspondence: None.

Next Meeting: Thursday, November 17, 2011, 10:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

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Adjournment: There being no further business to discuss the meeting adjourned at
11:50 a.m.

Reviewed and approved by:

Taken and recorded by:



Charlene L.K. Tamanaha
Executive Officer



Lesley Matsumoto
Secretary

10/14/11

- Minutes approved as is.
- Minutes approved with changes; see minutes of _____.