

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, July 12, 2012

Time: 10:00 a.m.

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

Present: Douglas Inouye, Public Member, Vice Chair
Darryl Perry, Chief of Police, County of Kauai
Gary Yabuta, Chief of Police, County of Maui
Edward Akiona, Industry Member
Ray Galas, Public Member
Jeffrey Owens, Industry Member
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Christine Hironaka, Secretary

Excused: None.

Guests: Spike Denis, Securitas Security Services USA, Inc.
Dean A. Pigao
Randall W. Mack

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 10:35 a.m. by Vice Chair Inouye.

Additions to
Or Deletions
From the Agenda:

It was moved by Chief Perry, seconded by Chief Yabuta and unanimously carried to add the following agenda items:

9. Legislation

a. Act 208 (S.B. No. 2165)

vi. Spike Denis' email regarding the 4 hours OJT and the high school or equivalent educational requirement for guard registration.

Approval of
the Minutes:

It was moved by Mr. Galas, seconded by Mr. Owens, and unanimously carried to approve the minutes and executive session minutes of the June 27, 2012 meeting as circulated.

Welcome New
Board Members:

The Executive Officer introduced new Board members Ray Galas, public member, Jeffrey Owens, industry member, and Edward Akiona, industry member. The Board thanked members for their willingness to serve the community and the public at large. Vice Chair Inouye asked each new member to provide the Board with some background of their experience and interest in serving on the Board.

Mr. Galas graduated from Hawaii Pacific University with a degree in Social Science and Military Affairs and attended graduate studies in Diplomacy and Military Studies. Notable professional experience includes: National Public Radio Affiliates in Hawaii and New York in Corporate Relations and Broadcast Operations, NATO Service with the US Army and Red Cross Armed Forces Emergency Services Task Force/Regional Leader in the Balkans and Kosovo. Notable prior government service includes: Senate President Appointee to the Illegal Fireworks Task Force, Vice-Chairman, Neighborhood Commission City & County of Honolulu, Treasurer, Neighborhood Board #23 and Legislative Chairman, Hawaii State Student Council, Department of Education.

Mr. Akiona informed the Board that he is a retired Honolulu Police Department Officer and has thirty-five years of law enforcement administration experience. Mr. Akiona has attended Brigham Young University, Hawaii Pacific College and Honolulu Community College. He is currently the owner of All State Security and was formerly the Vice President of Masterguard Inc. He was also involved in the passage of Act 208 and worked with Bob Vericker and Senator Baker because he felt the industry needed upgrading.

Mr. Owens retired from the Honolulu Police Department as a Metropolitan Police Major after more than thirty years of service. In 2004 he became a licensed private detective and guard. He is the former general manager of G4S Secure Solutions (USA) Inc. and is currently the founder of Transcend Inc., a consulting and training firm. Mr. Owens is a member of ASIS International, the International Homicide Investigators Association, the Association of Threat Assessment Professionals and the Speakers Association of Hawaii. His community and volunteer experiences include providing consulting, investigation and community outreach services for the Missing Child Center Hawaii, volunteer civilian resource for the Oahu Child Abduction Response Team, and former Project ALERT volunteer for the National Center for Missing and Exploited Children.

Board Election:

It was moved by Mr. Galas, seconded by Chief Perry, and unanimously carried to nominate Mr. Inouye as Chairperson of the Board of Private Detectives and Guards. Being no other nominations, Mr. Inouye was unanimously elected Chairperson.

It was moved by Chief Perry, seconded by Mr. Galas, and unanimously carried to nominate Chief Yabuta as Vice Chairperson of the Board of Private Detectives and Guards. Being no other nominations, Chief Yabuta was unanimously elected Vice Chairperson.

Executive Session: It was moved by Chief Perry, seconded by Chief Yabuta, 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 10:41 a.m.

EXECUTIVE SESSION

Applications:

a. Oral Interview for Licensure

1. Dean Pigao, Private Detective, Sole

It was moved by Chief Perry, seconded by Chief Yabuta, and unanimously carried to reconvene to the Board's regular order of business at 10:45 a.m. for the conclusion of the oral interview with the individual applicant.

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

Executive Session: It was moved by Chief Perry, seconded by Chief Yabuta, 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 10:48 a.m.

EXECUTIVE SESSION

It was moved by Chief Perry, seconded by Chief Yabuta, and unanimously carried to reconvene to the Board's regular order of business at 10:58 a.m.

b. Review for Examination

Guard

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

- i. Mark A. David - GD
FPK Security, Inc. – GDA
(Deferred from 5/17/12 meeting)

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

- ii. Danford M. Keanu – GD – Sole
(Deferred from 5/17/12 meeting)

Executive Officer's
Report:

- a. Board Policies and Procedures
 - i. Fieldprint, Inc. – Fingerprinting company.

Fieldprint, Inc. is a Board approved company that is able to electronically submit fingerprints to the Criminal Justice Data Center (“CJDC”) and forwarded to the Federal Bureau of Investigation (“FBI”). Mr. Denis reported that the fingerprinting process is very efficient and if there is a “hit”, a report is issued within hours. He further reported that large companies may purchase fingerprinting machines and have employees certified to fingerprint. In addition, employers may make arrangements with Fieldprint to perform fingerprinting on-site at the employer’s place of business.

The Executive Officer explained that it is the Board’s intent to commence fingerprinting through Fieldprint with current applicants for PD, GD and agency applications to test the process and hopefully work out any kinks prior to our 2013 push. She explained that the following notice will be posted on the Board’s website and attached to the current application directing applicants to Fieldprint for fingerprinting.

BOARD OF PRIVATE DETECTIVES & GUARDS

**IMPORTANT NOTICE REGARDING THE FBI AND
STATE CRIMINAL HISTORY RECORD CHECKS**

This notice supersedes the instructions on all application forms regarding the FBI Report and Hawaii Criminal History Record Check until applications are revised. Please note that these instructions apply to any persons, officers, directors, partners, managers or members responsible for the agency applicant.

To obtain a FBI national criminal history record check **and** the State of Hawaii Criminal history record check, applicants shall be fingerprinted electronically at **Fieldprint Inc.** locations nationwide or any other fingerprinting agency approved to send electronic fingerprints to the Hawaii Criminal Justice Data Center (“HCJDC”).

Please visit Fieldprint Inc. at <http://fieldprinthawaii.com> to make an appointment, inquire about other available site locations on the Continental United States, or call (877) 614-4361.

Fees for the FBI and the State of Hawaii Criminal history record checks shall be paid directly to Fieldprint and will be electronically sent to the HCJDC.

Note: Fingerprinting cards are no longer available from the Board's office.

NOTE: A license/registration application (individual or agency) must be filed within 30 days of the fingerprinting to ensure that the results are obtainable from the HCJDC. If the results are not obtainable, you will be required to obtain new fingerprints.

Examination: a. Review & Report

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

Private Detectives' Exam (administered May 18, 2012)

Exams Administered	1
Successful	0
Unsuccessful	1

Private Detectives' Exam (administered June 15, 2012)

Exams Administered	2
Successful	1
Unsuccessful	1

Guards' Exam (administered May 18, 2012)

Exams Administered	1
Successful	0
Unsuccessful	1

Legislation: a. Act 208 (S.B. No. 2165) and any matters relating to the implementation of Act 208

i. Review of curriculum content from Honolulu Community College ("HCC").

The Board reviewed the Security Guard Training curriculum resubmitted by HCC by comparing each item with the Board's curriculum. It was moved by Mr. Owens, seconded by Chief Perry and unanimously carried to approve the Security Guard Training Curriculum provided by HCC.

ii. It was moved by Mr. Galas, seconded by Mr. Akiona and unanimously carried to approve the Minimum Qualifications For Security Guard Training Instructors to be dated July 12, 2012 and posted to the Board's Important Announcements website page.

July 12, 2012

**MINIMUM QUALIFICATIONS
FOR SECURITY GUARD TRAINING INSTRUCTORS**

Act 208 (SLH 2010)

INTRODUCTION

In 2010, the Legislature established new training requirements for guards in HRS chapter 463. See, Act 208 (SLH 2010).

Effective July 1, 2013, new HRS section 463-10.5(a) requires all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity to register with the Board of Private Detectives and Guards (“**Board**”), and (among other things) meet certain training requirements prior to acting as a guard.

Pursuant to HRS section 463-10.5(b), the Board is required to approve the training instructors and establish the training or course curricula. The Board has established the training or course curricula in a separate notice.

MINIMUM QUALIFICATIONS FOR SECURITY GUARD TRAINING INSTRUCTORS

The following are the minimum qualifications to be approved as a security guard training instructor to teach the eight (8) hour training or course curricula, and four (4) hours of on the job training. An individual shall meet at least one of the following qualifications:

1. Be currently licensed as a principal guard with a guard agency for at least two (2) years;
2. Be currently certified as a Certified Protection Professional (“CPP”) by the American Society for Industrial Security, or a Certified Security Consultant (“CSC”) by the International Association of Professional Security Consultants); or
3. Have four (4) years of experience:
 - a. As a guard, plus two (2) years of experience as a supervisor, trainer, instructor, or manager of guard employees;
 - b. As a guard, plus a Bachelor’s Degree in Criminal Justice or its equivalent; or
 - c. As a law enforcement officer with a state or political subdivision thereof, or federal government as defined in HRS section 710-1000(13).

Chairperson Inouye announced he was taking the agenda out of order to discuss item vi.

- vi. Spike Denis’ email regarding the 4 hours OJT and the high school or equivalent educational requirement for guard registration.

The Executive Officer stated that Mr. Denis agreed with the Board’s interpretation that the OJT should be done in the field or on site as part of orientation because the trainers may not be experienced with all job sites. The OJT should be a company responsibility as stated in HAR section 16-97-7 (7)(B).

HAR section 16-97-7 (7)(B) ...The training shall include but not be limited to the following:

- (B) For guard employees: laws and rules, fire procedures, evacuation procedures, arrest and evidence procedures, patrol techniques, incident investigation, incident documentation, court testimony, screening of individuals entering the premise, and use of force options (chapter 703, HRS).

Deputy Attorney General Tam stated that the responsibility is on the companies/employees and they must keep track of the OJT hours should a challenge arise.

Mr. Denis' mentions in his email that there are many contract agency employees who do not meet the high school or equivalent education requirement and it would be unfair to terminate these employees for non-compliance after they have performed well for many years.

Chief Yabuta stated that the Police Department accepts high school diploma or life experience equivalent. Mr. Denis stated that most companies require a high school diploma but will also accept attestation and asked if current guard employees without high school or education equivalency could be "grandfathered"? Deputy Attorney General Tam indicated that he will revisit this issue with his office.

Mr. Galas asked if anyone knew how many employees without high school diplomas will be affected? Mr. Denis responded that he will research this matter and report back to the Board. He noted that most companies require a high school education but may not have actual documents. Some background companies contact schools to verify or accept attestations if records are not available.

Chairperson Inouye resumed the order of the agenda.

iii. Guidelines for Criminal Conviction

A Criminal Grading Checklist from Randall Mack was distributed to the Board members for review.

Mr. Mack stated that licensed guard companies are not currently hiring applicants with criminal convictions and that 60% of the guards employed by major security companies should have no convictions, however he is not so sure about the unregulated areas.

The Executive Officer stated that the Board previously agreed that the FBI background check should be valid for six months. Is it still the Board's position? Mr. Denis indicated that one year is used by many organizations. Deputy Attorney General Tam stated that there should be a very short list of minor convictions that the Board establish to ease the application review process. Are there any convictions that would not require Board review? The Board directed the Ad hoc committee to review the list of convictions to determine whether there exists any convictions that would allow a guard to be registered without the Board's review.

iv. Department of Labor Requirements for the Payment of Wages for employees Subject to Act 208

Mr. Denis submitted a report resulting from his conversation with the State Department of Labor regarding the payment of guard wages by the employer for mandatory training. Mr. Denis was advised that employees do not have to be compensated for training if:

- The training is performed outside of the employee's normal working hours.
- Attendance is voluntary.
- The course, lecture or meeting is not directly related to the employee's job.
- The employee does not perform any productive work during the period in which the training takes place.

Based upon the above, it looks as though employers will be required to pay for current guard employees.

v. Cost Comparison for Guard Registration – Estimated Hawaii vs California

Mr. Denis distributed the following cost component comparison to the Board members for their review.

California - Initial

BSIS Application Fee	\$50
DOJ Fingerprint Processing Fee	32
FBI Fingerprint Processing Fee	17
Live Scan Vendor "Rolling" Fee (payable at site)	25
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	\$124

Renewal Fee (payable every 2 years) \$35

Hawaii – Initial Estimate*

BPD&G Application Fee	\$10	
Registration Fee	45	
50% of Renewal Fee	15	
Compliance Resolution Fund	70	
Live Scan Vendor (payable at site)	17.25	**
DOJ/FBI/HCJDC Processing Fees (payable at site)	39.25	***
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	\$196.50	

Renewal Fee (payable every 2 years) \$100

* BPD&G still negotiating internally re fees

** Unknown if tax included

***Unknown if tax included

The Executive Officer reported that fees are still pending. She is trying to keep the cost down knowing that guard employees make minimum wage. She will report the fees when set. The members were informed that the registration fee includes the cost of two staff positions requested to handle this new registration

Next Meeting: Thursday September 20, 2012
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss the meeting adjourned at 12:19 p.m.

Reviewed and approved by:

Taken by:

/s/ Charlene L.K. Tamanaha
Charlene L.K. Tamanaha
Executive Officer

/s/ Christine Hironaka
Christine Hironaka
Secretary

8/12/12

[X] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____.