

BOARD OF PRIVATE DETECTIVES AND GUARDS

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

MINUTES OF MEETING

Date: Monday, October 22, 2012

Time: 1:30 p.m.

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

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

Excused: Gary Yabuta, Chief of Police, County of Maui, Vice Chairperson
Edward Akiona, Industry Member

Guests: Joyce Kehoe
Davilyn Alvarado, Delta Executive Security Hawaii
Ben Alvarado, Delta Executive Security Hawaii

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 2:05 p.m. by Chairperson Inouye.

Additions to
Or Deletions
From the Agenda: None

Approval of the
Board Minutes: It was moved by Chief Perry, seconded by Mr. Owens, and unanimously carried to approve the minutes and executive session minutes of the September 20, 2012 meeting as circulated.

Executive Session: It was moved by Chief Perry, seconded by Mr. Owens, 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 2:07 p.m.

EXECUTIVE SESSION

Applications:

a. Oral Interview for Licensure

1. Joyce A KEHOE, Principal Detective

It was moved by Chief Perry, seconded by Mr. Owens, and unanimously carried to reconvene to the Board's regular order of business at 2:14 p.m. for the conclusion of the oral interview with the individual applicant.

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

The Executive Officer informed Ms. Kehoe that she will be notified of licensure requirements (e.g. fees, bond, etc.).

Executive Session:

It was moved by Chief Perry, seconded by Mr. Owens, 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 2:16 p.m.

EXECUTIVE SESSION

It was moved by Chief Perry, seconded by Mr. Owens, and unanimously carried to reconvene to the Board's regular order of business at 2:17 p.m.

b. Review for Examination

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

Guard

None

Private Detective

John Lee Shouman – PD
Sole

c. Guard Instructor

After some discussion, it was moved by Mr. Owens, seconded by Mr. Galas and unanimously carried to delegate to the Executive Officer the ability to review and approve guard instructor applications of those licensed principal guards who have been licensed for at least 2 years prior to application, and of those who were former police and law enforcement officers for at least 4

years with the approval subject to ratification by the Board at a subsequent meeting.

The guard instructor application of Mr. Jeffrey Owens could not be addressed due to his recusal and resulting lack of quorum.

It was moved by Mr. Owens, seconded by Chief Perry and unanimously carried to **approve** the following as Guard Instructors for posting to the Board's website:

Danilo, ABADILLA – approved pending receipt of fees
Davilyn F.A. ALVARADO
Joseph J. COHEN
Timothy GALBISO
Wayne GOODWIN
Paul J. HOSPODAR
Edward L. HOWARD
Darrell L. JOHNSON
Wesley B., KAUI – approved pending receipt of fees
Jason T. KLOHS
Newton S. LYMAN
John E., MARTINEZ – approved pending high school transcripts
Edward H. NISHI
Anthony K PAJELA
Robert T. ROMERO
Jon Louis SIRACUSA
Miles, TANABE – approved pending receipt of fees
Craig H. TANAKA
Samuel A. TONG
Paul D. WINTERS
Dennis S. C. YUEN

The Honolulu Community College requested the following applicants be placed on the agenda, however applications were not received prior to this Board meeting.

Jefty, AQUINO
Randle W., CROWE
Timothy GALBISO
Jimmy, LAGUNERO
Tami, MASUDA
Kawelu, MEDEIROS
Stafford, OYAMA
Alberta, PUKAHI
Robert T., SCHMIDT
Flor, SIPALAY
Russell, TANJI
Derek B., TOLENTINO
Irvin, UEMOTO

Examination: a. Review & Report

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

Private Detective Exam (administered September 21, 2012)

Exams Administered	2
Successful	1
Unsuccessful	1

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

1) **Impact-Hi, LLC – Act 208 Mandatory Training for Private Detectives & Guards Curricula**

The Board reviewed the curricula submitted for approval by Impact-Hi, LLC and determined that it met the Board's approved curricula; however Chief Perry strongly recommended that the distracters be reviewed for test questions 1, 11, and 20 and that corrections of typographical errors be made.

It was moved by Mr. Owens, seconded by Chief Perry and unanimously carried to approve the Act 208 Mandatory Training for Private Detectives & Guards curricula submitted by Impact-Hi, LLC and to post on the website as a Board approved curricula.

The Board requested copies of Impact-Hi LLC's revised curricula and examination after corrections have been completed.

2) **Transcend Inc. Letter**

The Executive Officer informed the Board that Transcend Inc. is not submitting a new curricula for Board approval, but is merely advising the Board that Transcend Inc. will be using the already approved curricula developed by David Heaukulani, Ph.D. Transcend Inc. has entered into a copyright license agreement with the curricula owner, Solutions-4-Security, LLC and will be offering training courses using this curricula. Transcend Inc. will be listed as being in partnership with Solutions-4-Security, LLC as is the Hawaii Community College System ("HCC"). In this way the public is notified that Transcend Inc. and the HCC is providing solutions-4-Security LLC's program.

3) **Department of Human Resources Development (“DHRD”) email inquiry regarding Security Guard OJT Requirement**

The Board reviewed the email inquiry from DHRD and responded as follows:

Q1: Does the guard employee have to undergo 4 hours of OJT each time he/she is hired by a new employer?

A1: Yes.

Q2: For instance if the guard employee at the DAGS parking lot accepts a job as a guard at UH Manoa campus, does UH Manoa have to provide another 4 hours of OJT?

A2: Yes, assuming DAGS and UH Manoa are separate employers.

The Board confirmed its prior determination made at its July 12, 2012 meeting that the OJT requirement of Act 208 must be verified by employer records.

Deputy Attorney General Tam left the meeting at 3:00 p.m.

4) **High School Education or Equivalent**

The Board members reviewed the DHRD Class Specifications for the Class: University Security Officer I, Security Officer I and Stadium Security Officer and the Minimum Qualification Specifications for the Classes: University Security Officer I, II and III, Security Officer I, II, III, and Stadium Security Officer. The Executive Officer indicated that with these classes of jobs, a high school diploma is accepted in lieu of experience may be substituted for work experience. Currently, the Board accepts GED certificates, evidence of higher education to verify a high school education. The Board needs to determine what it will accept as “equivalent”. Mr. Galas stated that a GED may be easier to achieve for applicants without a high school diploma.

The Board determined that the Discharge Papers (DD214) could be used as verification of a high school education if addressed on the form.

The Board discussed accepting employment as a police officer in any of the four counties in the state as verifying a high school education.

The Board directed the Ad Hoc committee to discuss and recommend a proposal as to what the Board should consider as equivalent to a high school education.

5) **Acceptable Time Frame for Criminal Histories**

The Executive Officer informed the Board that she will confirm with the Hawaii Criminal Justice Data Center the length of time requested records are held in their system. The answer may have bearing on the Board's discussion and implementation strategies.

6) **Ad Hoc Committee Report**

Mr. Denis' report to the Board dated October 18, 2012, provides the findings and recommendations as requested of the Ad Hoc Committee by the Board:

Time Period Initial Criminal History Check
Considered Current

Pursuant with the Board's request to check with regulatory authorities in major states with guard regulations requiring state and federal criminal history checks, Mr. Denis contacted New York and California.

New York-Guard applicant has five (5) months to mail in application, after which the applicant needs to resubmit fingerprints via Livescan, and have their criminal history rechecked. Fingerprints/criminal history checks are only required upon initial registration and not required upon renewal (every two (2) years). Should a guard's license lapse (e.g. failure to renew), the guard has six (6) months to restore before having to start the process over again, including a new Livescan/Criminal history check and application.

California: Previously researched with BSIS- Within one (1) year from Livescan to application submittal.

Ad Hoc Committee's Recommendation: One Year

Credentials Acceptable in Lieu of Criminal History Check

Initial research, indicates the following credentials and positions require criminal history background checks that meet or exceed those required by Act 208:

1. Airports. Airport Operations Area – AOA badge. This credential requires state and federal criminal history checks and is utilized for all individuals authorized in “sterile” areas at the state airports. Security personnel utilizing this credential include airport security officers (ASO’s), traffic control officers (TCO’s), and law enforcement officers assigned to the state contract (LEO’s).
 - Some of the AOA credentials also have a Customs/Border Patrol e-badge seal (CBPE badge). This would include Duty-Free Shoppers security officers and airport contract law enforcement personnel
 - Renewals requiring another state and federal criminal check: CBPE badge-annual; LEO’s-every 2 years; ASO’s & TCO’s-only initial checks made (similar to what appears to be required by Act 208)
2. Harbors. Transportation Worker Identification Card – TWIC. TWIC credentials require state and federal criminal history checks.
3. Banks and financial institutions: Initial FBI and State of Hawaii criminal history checks are performed for all security personnel working at banks and financial institutions. These criminal history checks and the standards to which applicants are held appear to exceed those required by the statute.

4. Other Critical Infrastructure – TWIC Cards

HECO – Proprietary security officer's; some contract personnel

Board of Water Supply – proprietary and contract guards

Harbors – proprietary and contract guards

Recommendations: That the above credentials be accepted by the Board in lieu of an additional Livescan/Criminal History check for guard registration.

Further, it should be the burden of the employer of the guards to apply for the exemption through submittal of an employee list by name, other identifier data required, position, date of last Livescan/criminal history check.

Similarly, it should be the burden of both the employer and the employee to inform the Board of a position change whereby the credential is no longer utilized, and therefore considered invalid. The guard Employee should then be required to undergo a new Livescan/criminal history check upon the next registration renewal.

For Banks and financial institutions, the institution's Chief Security Officer or Director of Security should be responsible for submitting a list of current guard employees and certifying to the Board that their criminal histories have been verified, and ensuring that subsequent hires and terms are submitted timely.

The institutions should not be required to submit the actual documents obtained from the FBI as they may also contain arrest information.

High School and GED Equivalency

Committee members were asked to consider and list various experience/job skills related to security guard employment that could be considered by the Board as being equivalent to a high school education. Further discussion on this issue will occur at the next meeting, scheduled for October 30.

7) **Guard Employee Registration Form**

The Executive Officer requested the Board members to review the Guard Employee Registration Form as distributed.

Board members were asked to provide any comments and responses to the Ad Hoc Committee recommendations at the November 8, 2012 Board meeting.

Next Meeting: Thursday November 8, 2012
Exam Room
King Kalakaua Building
335 Merchant Street, Third Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss the meeting adjourned at 3:34 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

11/1/12

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