

**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, December 13, 2012
- Time: 10:30 a.m.
- Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1st Floor  
Honolulu, HI 96813
- Present: Douglas Inouye, Public Member, Chairperson  
Gary Yabuta, Chief of Police, County of Maui, Vice Chairperson  
Edward Akiona, Industry Member  
Jeffrey Owens, Industry Member  
Rodney J. Tam, Deputy Attorney General  
Charlene L.K. Tamanaha, Executive Officer  
Christine Hironaka, Secretary
- Excused: Darryl Perry, Chief of Police, County of Kauai  
Ray Galas, Public Member
- Guests: None
- 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 10:30 a.m. by Chairperson Inouye.
- Additions to  
Or Deletions  
From the Agenda: None
- Approval of the  
Board Minutes: It was moved by Mr. Owens, seconded by Vice Chairperson Chief Yabuta, and unanimously carried to approve the minutes and executive session minutes of the November 8, 2012 meeting as circulated.
- Chairperson Inouye announced that he was taking the agenda out of order.**
- Executive Session: It was moved by Vice Chairperson Chief Yabuta, 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 and to consult with the

Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities and to consider sensitive matters related to public safety or security in accordance with HRS 92-5(a)(4) and (6) at 10:35 a.m.

### EXECUTIVE SESSION

It was moved by Vice Chairperson Chief Yabuta, seconded by Mr. Owens, and unanimously carried to reconvene to the Board's regular order of business at 10:38 a.m.

#### Applications

b. Review for Examination

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

1. Private Detective

- i. Michael Chan-Hin - PD  
Veracity Research Co. - PDA

c. Ratification

It was moved by Vice Chairperson Yabuta, seconded by Mr. Owens and unanimously carried to **approve** and **ratify** the following for examination and license:

1. Examination

- i. Robert A. Carvalho – PD  
Sole

2. License

- i. Carl I. Taylor, Principal Detective (PD 962)  
Hawaii Security Services Inc.

d. Guard Instructor

It was moved by Vice Chairperson Chief Yabuta, seconded by Mr. Owen and unanimously carried to **approve** the following as Guard Instructors for posting to the Board's website.

Chi Un Mok  
Stafford Oyama

e. Guard Instructor Ratification

It was moved by Vice Chairperson Chief Yabuta, seconded by Mr. Owens to **approve** and **ratify** the following Guard Instructors and dates of approval.

Kenneth K. Chang – 11/16/12  
Lee D. Donohue – 11/13/12  
Alfred Ontiveros, Jr. – 12/4/12

**Chairperson Inouye, resumed the order of the agenda.**

Executive Session: It was moved by Vice Chairperson Chief Yabuta, 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 10:40 a.m.

**EXECUTIVE SESSION**

Applications

a. Oral Interview for Licensure

1. Anthony T. Leiato, Principal Guard (GD 827)  
High Life Security Corporation

It was moved by Vice Chairperson Chief Yabuta, seconded by Chief Perry, and unanimously carried to reconvene to the Board's regular order of business at 10:50 a.m. for the conclusion of the oral interview with the individual applicant.

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

Legislation:

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

**1. Transcend, Inc. Security Guard Training Curricula**

This issue was deferred to the next meeting.

**2. Solutions-4-Security Amended Examination Answers**

The Executive Officer informed the Board that Solutions-4-Security has notified the Board of amended exam questions and answers. Mr. Owens stated that the Board should review changes to curriculum but Deputy Attorney General Tam advised that the Board is not required to review Security Guard curricula exams. The Board concurred that only the curricula needs reviewing.

**3. High School Education or Equivalent**

The Executive Officer stated that the documents that will be accepted to verify a high school education and to establish the requirements that will be accepted in lieu of the high school documents adopted by the Board at its November 8, 2012 meeting, have been incorporated in the Guard employee registration form.

The Executive Officer introduced a standard form for employers to use to verify a high school education when the employer attests that the employee's work experience meets the 4 years of work experience requiring the ability to read, comprehend, apply written directions, understand oral instructions, has reasonable verbal skills and the ability to prepare written reports which the Board deemed equivalent to a high school education. The Board reviewed the "Statement of Education Background to Register as a Guard" document and agreed that the attestation should be notarized and that notary information should be included on the form as follows:

**STATEMENT OF EDUCATIONAL BACKGROUND  
TO REGISTER AS A GUARD UNDER  
HRS CHAPTER 463 and ACT 208 (2010)**

Name: \_\_\_\_\_ Other Names used: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
\_\_\_\_\_

An individual applying to register as a guard under HRS chapter 463 and Act 208, SLH 2010 is required to have a high school education or its equivalent. The following attestation made and signed by the employer may be accepted as equivalent to a high school education.

I attest that \_\_\_\_\_ has had at least \_\_\_\_\_ years  
name of applicant  
of work experience demonstrating the ability to read, comprehend, apply written directions, and understand verbal instructions, has a reasonable degree of verbal skill, and is able to write clear, factual reports.

I hereby certify that the statements, answers, and representations made in this Statement and any attachments thereto are true and correct. I understand that any misrepresentation is grounds for refusal to register the applicant as a guard, and is a misdemeanor (see, HRS Sections 710-1017, 436B-19, and 463-4).

\_\_\_\_\_  
Signature of Employer/Certifier

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Subscribed and sworn to before me this _____ day of _____ A.D. 20_____ _____ Notary Public, State of: _____ My commission expires: _____ Print Name: _____
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Doc. Date: _____ No. of Pages: _____ Notary Name: _____ Circuit Court: _____ Doc. Description: _____ _____ Notary Signature: _____ Date: _____
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**4. Letter Regarding Employment as Firefighters and State Sheriffs to Verify a High School Education**

The Board reviewed the letter from Fay Tamura requesting that the Board accept employment as a firefighter and sheriff in the State as verifying a high school education. After some discussion, it was moved by Mr. Owens, seconded by Vice Chairperson Yabuta and unanimously carried to accept verification of employment as a firefighter for any of the four counties in the state, for the State of Hawaii, or for the federal government as verifying a high school education. In addition, the Board determined that it will accept verification of employment as a State of Hawaii sheriff as verifying a high school education.

**5. Criminal Convictions**

This issue was deferred to the next meeting pending Deputy Attorney General Tam's clerk's review of the criminal convictions list submitted by Mr. Owens.

**6. Ad Hoc Committee Report**

The Ad Hoc Committee proposed the following definition of "a guard" and "acting in a guard capacity":

Guard means a uniformed or non-uniformed person who for compensation, reward, or by employment acts in a guard capacity. "Guard" includes individuals, persons, corporations, partnerships and agencies.

Acting in a guard capacity means having a responsibility for the protection of persons, property, and assets; or for enforcement of premises rules; that includes:

- to deter behaviors and conditions that put the persons, property or asset protected at risk of harm, damage or loss; or infraction of premises rules,
- to detect behaviors or conditions that put the persons, property or asset protected at risk of harm, damage or loss; or infraction of premises rules,
- to observe those behaviors, conditions, or infractions,
- to report those behaviors, conditions, or infractions as appropriate.

Acting in a guard capacity does not include persons stationed at the ingress or egress of retail sales establishments for the purpose of verifying membership or the accuracy of purchases; persons who manage contracts on behalf of real property owners associations and condominium properties so long as they do not reside on the property managed or personally perform the responsibilities of a guard; parking lot attendants whose responsibility is limited to controlling ingress and egress to a private parking facility, or, persons whose responsibility is limited to performing water safety and rescue services at a private swimming location.

After some discussion, the Board requested the following edits:

- Deletion of the second sentence, of the first paragraph.
- Insertion of “being physically present and” after “Acting in a guard capacity means” in the second paragraph, which will eliminate individuals observing from a remote location from being included in Act 208.
- Combine the four bullet points to state “Deter, detect, observe and report behaviors and

conditions that put the persons, property or asset protected at risk of harm, damage or loss; or infraction of premises rules.”

- Replace “real” with “residential and commercial” and delete “reside on the property managed or” in the last paragraph to address property managers whose guard responsibilities are incidental and alarm companies.

Mr. Owens stated that he will submit the edited definition to the Board at the next meeting.

#### 7. Guard Employee Registration Form

The Executive Officer stated that the following language will be added to the Requirements & Instructions for the Guard Employee Registration High School Education section, for applicants unable to submit evidence of a high school education or its equivalent:

- Verification of employment as a police officer or firefighter for any of the 4 counties in this state, for the State of Hawaii or for the federal government; or
- Verification of employment as a state of Hawaii sheriff.

Mr. Owens requested question #5 “Have you ever been suspended or discharged by an employer?” be eliminated because it was subjective and should have no bearing on the Board’s decision to issue a guard registration.

Deputy Attorney General Tam recommended the deletion of questions #5 to #8 because the only requirements the Board must consider for a guard to be registered are as follows:

- Age
- High school education
- Criminal background
- Training

It was moved by Mr. Owens, seconded by Vice Chairperson Yabuta and unanimously carried to accept the Guard Employee Registration form as amended.

The Executive Officer indicated that she will proceed to make the application available in hard copy and online in January 2013.

Next Meeting: Thursday January 10, 2013  
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 11:55 a.m.

Reviewed and approved by:

Taken by:

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

/s/ Christine Hironaka  
Christine Hironaka  
Secretary

12/18/12

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