BOARD OF PRIVATE DETECTIVES AND GUARDS

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

MINUTES OF MEETING

<u>Date</u>: Thursday, February 16, 2017

<u>Time</u>: 10:30 a.m.

<u>Place</u>: Queen Liliuokalani Conference Room

King Kalakaua Building

335 Merchant Street, 1st Floor

Honolulu, HI 96813

<u>Present</u>: Ray Galas, Public Member, Chairperson

Albert Denis, Industry Member, Vice Chairperson Tivoli Faaumu, Chief of Police, County of Maui Darryl Perry, Chief of Police, County of Kauai

Kenneth Chang, Industry Member

Rodney J. Tam, Deputy Attorney General ("DAG") Charlene L.K. Tamanaha, Executive Officer

Terry Akasaka-Toyama, Secretary

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant

Governor as required by Hawaii Revised Statutes ("HRS") section 92-7.

<u>Call to Order</u>: There being a quorum present, the meeting was called to order at

10:33 a.m. by Chairperson Galas.

Welcome New
Board Member
Maui Police Chief
Tivoli Faaumu:

Chairperson Galas introduced and welcomed Chief Faaumu to the Board. He replaces Chief Harry Kubojiri as one of the chief of police board

member positions.

Approval of the Board Minutes:

It was moved by Chief Perry, seconded by Mr. Denis, and unanimously carried to approve the Applications Review Committee and Executive Session meeting minutes and the Board and Executive Session minutes

of the January 19, 2017 meeting.

Chapter 91, HRS, Adjudicatory Matters: At 10:34 a.m., Chairperson Galas recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS:

 In the Matter of the Guard Employee License of RUSSELL D. LAWRENCE; PDG 2016-68-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Denis, seconded by Chief Perry, and unanimously carried to approve the above settlement agreement.

<u>Applications</u>: a. <u>Oral Interview for Licensure</u>

1) Guard

Triple Canopy, Inc. (GDA) Edward Akiona (GD-839)

By consensus of the Board, this matter was deferred to the next meeting as Mr. Akiona and a representative from Triple Canopy, Inc. were not available for the interview at this meeting.

Executive Session:

At 10:40 a.m., it was moved by Mr. Chang, seconded by Mr. Denis and unanimously carried to move into executive session pursuant to HRS §92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS §26-9 or both, and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, as provided in HRS §92-5(a)(1) and (4).

EXECUTIVE SESSION

At 11:30 a.m., it was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to move out of executive session.

b. Review for Examination

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to approve the following private detective applications for examination:

1) Private Detective

- (i) MAU, Mason A. (Sole)
- (ii) FRASCO, Inc. (PDA) SIMMER, Jason J. (PD)

c. <u>Guard Instructor</u>

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to approve the following guard instructor applicants pending verification of their employment dates or retirement with the Honolulu Police Department:

- 1) AKIYAMA, Daron P.
- 2) ANAMI, Alan T.
- 3) KAHALEPUNA, Chester

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to defer the following guard instructor application and to request that an additional two years of guard experience be submitted:

4) SHAWL, Brent

d. Guard Employee

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to approve the following guard employee registration applicants:

- 1) ANOC, Nathan
- 2) AWAA, Rhonda W.
- 3) AYUDAN, Joleen
- 4) CALLINAN, Michael
- 5) CLARK, Anthony
- 6) EDWARDS, Susan
- 7) GONSALVE, Brittany
- 8) GUTIERREZ, Daniel
- 9) HAMMOND, Robert
- 10) KALAKAU, Michael
- 11) NARRUHN, Fred
- 12) SANTOS, Raina
- 13) SASAKI, Blaine
- 14) STAMOS, Scott
- 15) WILLIAMS, Quinton

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to defer the following guard employee registration applicants and to request for additional information:

- 16) BROWN, Natacia
- 17) GONDA, James C., Jr.
- 18) JENNINGS, Flora
- 19) LAGAI, Tiafou

e. Guard Employee Ratification

It was moved by Mr. Chang, seconded by Mr. Denis, and unanimously carried to ratify the approval of the Guard Employees assigned registration numbers GDE-17562 – GDE 17821 (see attached list).

f. <u>Universal Protection Service, LP dba Allied Universal Security</u>
<u>Services (approval of new patches to reflect tradename):</u>
Ratification

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to ratify approval the new patches for Universal Protection Services, L.P., which were sent to the various county police departments in the State for their approval.

Executive Officer's Report:

a. <u>Board Meeting Schedule</u>

Ms. Tamanaha reported that due to the two security guard bills this legislative session today's meeting was scheduled to allow the Board the opportunity to discuss this matter. And as these bills move through the legislative hearings, by consensus of the Board, it was agreed that the March meeting should still be held so the Board can continue any discussions and provide feedback regarding any testimony to be submitted.

Proposed Legislation:

a. <u>H.B. 1515 – Relating to Security Guards</u>

H.B. 1515 requires applicants for licensure as a guard to meet specified registration, instruction, and training requirements within sixty days of employment and also specifies that renewal of a guard registration shall be no sooner than two years from an applicant's completion of initial registration.

There was a hearing on H.B. 1515, on February 8, 2017 in which the Board submitted comments on the bill because it had not met to formulate the Board's position. Ms. Tamanaha noted that the position was based upon prior Board opposition to similar industry proposals in 2013.

Amendments to the bill in H.B. 1515, H.D.1, now conflict with the law. The bill would allow guards and individuals acting in a guard capacity to successfully complete the classroom instruction within 60 days after being hired as a guard and this conflicts with section 463-10.5(a), HRS. The issue then becomes how the Board would know when a person was hired to determine if the applicant has met the 60 day period.

The industry is pushing for this change due to the length of time required to process the mass of applications that are submitted to the Board, which in turn the security guard agencies must pay overtime costs due to the shortage of registered guards. Allowing individuals to work before being vetted by the Board would lower standards and will be detrimental to the public and our keiki.

After discussion, it was moved by Chief Faaumu, seconded by Chief Perry and carried (Chang, Faaumu, Galas and Perry voting aye, while Denis recused himself), to affirm its opposition to H.B. 1515 and to oppose H.B. 1515, H.D.1.

b. <u>S.B. 1264 – Relating to Security Guards</u>

S.B. 1264 is the companion bill to H.B. 1515 and would also require applicants for licensure as a guard to meet specified registration, instruction, and training requirements within sixty days of employment and specifies that renewal of a guard registration shall be no sooner than two years from an applicant's completion of initial registration.

The Board opposed this measure for the following reasons:

- As written, this measure will allow any person to act as a guard without first being vetted by the Board to determine that all statutory requirements have been met, including the criminal history background check.
- If passed, the proposed amendments would allow an individual who is convicted of a felony or misdemeanor to work in a guard capacity until he or she completed the application process including a review of the applicant's complete criminal history. The Board is concerned with crimes against persons (e.g. murder, assault, rape, etc.) and property (theft, burglary, criminal property damage).
- Language of the bill would not prevent an applicant from working 60 days for one employer, then move on to another without even registering with the Board and this may expose the State to liability.
- This measure sets a dangerous precedent for other licensing areas as it will favor a form of expedited review at the expense of public safety.
- The Board will have difficulty in determining whether an applicant has met the filing deadline of 60 days from the first date of employment because the Board does not track a guard's employment history.
- The Board will have difficulty tracking renewal dates that vary depending on the date of initial registration. Currently, all private detective and guard registrations expire on June 30 of every even-numbered year. The specified date enables online renewals and the random audit process which was built in to ease the renewal process without which the renewal process

would revert back to 100% hard copy filings which will preclude online renewals.

 The industry's concerns of overtime are due to labor shortages and the culture of this industry (high turnover), but the Board's processing time is being blamed. The Board has worked hard to address these concerns by making process improvements to cut down application processing times (e.g. online applications, dedicated personnel) and to improve efficiencies. Registration within 5-7 days of a clean application is a job well done.

Although no hearing has been scheduled, it was moved by Mr. Chang, seconded by Chief Perry and carried (Chang, Faaumu, Galas and Perry voting aye, while Denis recused himself), to oppose S.B. 1264.

HRS §463-10.5 and Any Matters Relating to its Implementation:

a. Initial 8-Hour Security Guard Training Curricula

1) Alii Security Systems, Inc. Security Guard 8-Hour Training Program (deferred from November 10, 2016 meeting)

It was moved by Mr. Chang, seconded by Mr. Denis, and unanimously carried to approve Alii Security Systems, Inc. security guard 8-hour training program.

b. Continued Competency 4-Hour Curriculum for 2018 Renewal

At the last meeting, Mr. Denis circulated the Ad Hoc Committee's recommendations for the 2018 4-Hour continuing education topics.

After discussion, it was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to approve the Ad Hoc Committee's recommendation of the 4-hour CE curriculum for the 2018 license renewal.

c. <u>Distance Learning for Curriculum Delivery (e.g. online/Skype/FaceTime)</u>

In another attempt to improve the regulatory scheme, the Board has been discussing classroom instruction/training via distance learning. Hence, Deputy Attorney General Tam was asked whether by policy it could allow distance learning.

Mr. Tam indicated that section 463-10.5, HRS, does not define what is considered as a "classroom setting" and the Board could adopt a policy in the minutes to approve distance learning by various media sources before changes can be made to include them into the rules.

Mr. Denis stated that the Department of Education and University of Hawaii systems were asked if they considered use of Skype, FaceTime, etc. as acceptable sources for distance learning and was told they do accept these methods.

During discussion, the Board was adamant that the method of distance learning should be any interactive two-way communication system between the student and teacher. The Board opposed a one-way system where a student would read, watch a video or DVD.

It was also brought up that section 463-10.5(c), HRS, refers to passage of a "written test", for which curriculum providers are responsible. Chairperson Galas volunteered to do research as to the programs out there that would enable the instructors to test and review exams distantly.

Chairperson Galas indicated that Hawaii Pacific University utilizes a platform called Blackboard for their online testing and will look more into this.

By consensus of the Board, this matter was deferred to gather more information.

d. Self-Attestation for High School Education Requirement

Ms. Tamanaha questioned whether the Board would be open to accept an attestation for a high school education or equivalent since the Board accepts an attestation from an applicant's employer on their knowledge of the applicant's performance for at least four (4) years as meeting the high school education requirement.

After discussion, it was moved by Mr. Chang, seconded by Mr. Denis, and unanimously carried that they would not accept a self-attestation since they provide many options for applicants to verify equivalency.

Ms. Tamanaha also brought to the Board's attention in Jamaica, a secondary high school runs from 7th to 11th grade and grades 12th and 13th are only required if the student goes to college, would the Board accept the secondary high school as meeting the high school education requirement?

After discussion, it was moved by Mr. Chang, seconded by Mr. Denis, and unanimously carried that Charlemont High School and other high schools which verify 7th to 11th grades in Jamaica be considered equivalent to meeting the high school education requirement.

Next Meeting	g: Thursday, March 1 Exam Room King Kalakaua Bui 335 Merchant Stre Honolulu, Hawaii 9	lding, 1 st Floor et		
<u>Adjournmen</u>	djournment: There being no further business to discuss the meeting adjourned a 12:26 p.m.			
Reviewed and approved by:		Taken by:		
/s/ Charlene L.K. Tamanaha		/s/ Terry Akasaka-Toyama		
Charlene L.K. Tamanaha Executive Officer		Terry Akasaka-Toyama Secretary		
2/27/17				
[X] Minu	tes approved as is.			
[] Minu	Minutes approved with changes; see minutes of			

BOARD PRIVATE DETECTIVES & GUARDS GUARD EMPLOYEE RATIFICATION LIST February 16, 2017 Meeting

rebruary 10, 2017 Meeting		
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GDE 17564 ROBERT K. NAO GDE 17565 JUSTIN G. KAHOLAKULA	GDE 17632 SUSIE TINOISAMOA	GDE 17701 RIKO-LOPAKA K.K. PELEN-
GDE 17565 JUSTIN G. KAHOLAKULA	GDE 17633 LOVELY C.S. JENNINGS	BALECHA
GDE 17566 ALICE E. ALAFANSO	GDE 17634 BRITTANY K.M. BAYAOA	GDE 17702 KIMBERLY R.D. GONZALES
GDE 17567 DENTEN D.K. NASCIMENTO	GDE 17635 REXFORD M. ROBB	GDE 17703 MEGAN N. PEREZ
RAMELB	GDE 17636 RICK W. GRAHAM	GDE 17704 HERRY KIMAN
CDE 17560 IODVI D SIMMS	GDE 17637 DENNIS D. ESCAT GDE 17638 EVELYN L. BLAIR-ALLEN	GDE 17705 CHERYL M. BONGOLAN GDE 17706 MICAH A. GAMBOL
GDE 17568 KRISTA L. ALVARADO GDE 17569 JORY L.P. SIMMS GDE 17570 EDMUND J. REDDING GDE 17571 FALETOA TIMO	GDE 17639 MARK BREITENBACH	GDE 17700 MICATTA, GAMBOL GDE 17707 JOCELYN M. VISITACION
GDE 17571 FALETOA TIMO	GDE 17640 ARIITEMA L. VULIVALU	GDE 17708 LORNA ANN BROWN
GDE 17572 JONNY M. SHANGILMAI	GDE 17641 BONIFACIO VILLARUZ, JR.	GDE 17709 STEVE S. ITTU
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GDE 17574 BRADLEY J. KOSAM	GDE 17643 ROBERT L. MOON GDE 17644 JAMIE A. MISIPATI GDE 17645 PATRICIA A. SANTOS	GDE 17711 BRAYDEN GARCIA
GDE 17575 ALAN-DOIRON K. AKAU	GDE 17644 JAMIE A. MISIPATI	GDE 17712 LORESTIN MARCIL
GDE 17576 EDWARD T.T. WILLIAMS GDE 17577 DALLAS A. PALI	GDE 17645 PATRICIA A. SANTOS	GDE 17713 FAAOLI T. LUAFUTU, JR. GDE 17714 KYANNA M. PROSSER
GDE 17578 RAFAEL K.G. LINDSEY	GDE 17646 KOA H. LUKELA GDE 17647 JASON D. GONZALES	GDE 17714 KTANNA W. FROSSEK GDE 17715 ANTONIO K. PIO
GARCIA	CDE 17648 DASHA ANNI K MEDEIROS	GDE 17716 ZACHARY A. ALBRECHT
GDE 17579 LOGAN S. MCKENZIE	GDE 17649 LLOYD D. DAVIS, JR.	GDE 17717 DAVID J.V. CALLAHAN
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GDE 17581 NICOLAS SANCHEZ	GDE 17651 JAMIE E. QUIROS	GDE 17719 DEVIN I. GUTIERREZ-
GDE 17582 JOHN J. DONAHUE	GDE 17649 LLOYD D. DAVIS, JR. GDE 17650 AMARIS A. BECKER GDE 17651 JAMIE E. QUIROS GDE 17652 GARY T. TOMIOKA	RAMIREZ
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GDE 17587 GIBSON P. WAGUK GDE 17588 IYGLEN D. TANGOG GDE 17589 JORDAN JEFFORD GDE 17599 THOMAS C.E. MILLS	GDE 17657 KAMUELA J. LAU GDE 17658 GLYNE M. KEALOHA, JR. GDE 17659 KENNETH K. HAIOLA GDE 17660 GODENCIO G. ALEJO	ACERET
GDE 17589 JORDAN JEFFORD	GDE 17659 KENNETH K. HAIOLA	GDE 17725 CHELSEY K.K. YAMAMURA
GDE 17590 THOMAS C.E. MILLS		GDE 17726 AUSTIN L. HOSINO
(a) E 1/591 ROLAND WONG	GDE 17661 EDWARD P. ALAFONI	GDE 17727 EDWARD V. ADAMS
GDE 17592 NOLI R. SANTOS GDE 17593 DENNIS M. SIMPLICIANO	GALAGO GDE 17662 CHRISTOPHER E. CROOK	GDE 17728 MICHELLE A. WILSON GDE 17729 KEKOA A.H. RAMOS
GDE 17594 KALAI POAHA PALI	GDE 17663 TONY JASON K. VILLARAN	GDE 17729 KEROA A.H. KAMOS GDE 17730 WESLEY A. WOOTEN
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GDE 17605 ELLENA SHIRO	ODE 17074 NALALATI. 11110	GDE 17742 VANCE K.F. JOHNSON
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GDE 17607 SHIFI C. MA GDE 17608 KARI D.K. MILLER	GDE 17677 VAITOELAU SAMUELU	GDE 17744 TRAVIS L. SEGOVIA GDE 17745 NAPUALANI I.K.W. OLIVA
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GDE 17610 SOLOVAA J. TAALA	GDE 17679 MARK T.M. SATO	GDE 17747 CHARLIE M. TALBO
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GDE 17612 ASALEMO SILA	GDE 17681 CLAYTON F.S. AU	GDE 17749 RON G. FAISON, JR.
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- GDE 17808 TRAVIC UESUGI GDE 17809 KEVIN M. KAITA GDE 17810 NANEA I. SPENCER
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GDE 17806 JONATHAN MAURER GDE 17807 ABRAHAM HALL

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- GDE 17821 DEVEN PRIDE