

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, March 16, 2017
- Time: 10:30 a.m.
- Place: Exam Room
King Kalakaua Building
335 Merchant Street, 3rd Floor
Honolulu, HI 96813
- Present: 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
Catherine P. Awakuni Colón, Director, DCCA, Ex-Officio
Rodney J. Tam, Deputy Attorney General ("DAG")
Charlene L.K. Tamanaha, Executive Officer
Terry Akasaka-Toyama, Secretary
- Guests: Edward Akiona, Triple Canopy, Inc.
Gerard Neville, Triple Canopy, Inc.
Rodney Bambino, Executive One Protection
Jeffrey Owens, Transcend Inc.
- 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.
- Call to Order: There being a quorum present, the meeting was called to order at 10:40 a.m. by Chairperson Galas.
- Approval of the Board Minutes: It was moved by Chief Perry, seconded by Chief Faaumu, and unanimously carried to approve the Applications Review Committee minutes and the Board and Executive Session minutes of the February 16, 2017 meeting.
- Additions to the Agenda: It was moved by Mr. Denis, seconded by Chief Perry, and unanimously carried to add the following to the agenda:
- Under Executive Officer's Report, add:
 - a. Report on Fieldprint, Inc.'s Fingerprinting Fees
 - b. Guard Application Updates

Executive Session: At 10:50 a.m., it was moved by Mr. Denis, seconded by Chief Perry, 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 11:00 a.m., it was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to move out of executive session.

Applications: a. Oral Interview for Licensure

1) Guard

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

It was moved by Chief Perry, seconded by Mr. Denis, and unanimously carried to approve the above guard agency application.

Executive Session: At 11:02 a.m., it was moved by Mr. Denis, seconded by Chief Perry, 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 11:10 a.m., it was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to move out of executive session.

(ii) Executive One Protection Inc. (GDA)
Rodney Bambino (GD)

It was moved by Mr. Denis, seconded by Chief Faaumu, and unanimously carried to approve the above guard and guard agency applications.

The following agenda item was moved out of order:

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

b. Continued Competency 4-Hour Curriculum for 2018 Renewal

(i) Transcend Inc.

Executive Session: At 11:15 a.m., it was moved by Mr. Denis, seconded by Chief Perry, 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 11:22 a.m., it was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to move out of executive session.

It was moved by Mr. Chang, seconded by Mr. Denis, and unanimously carried to approve Transcend Inc.'s 4-hour continuing education curriculum for the 2018 renewal.

Applications:
(continued)

b. Review for Examination

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

1. Guard

- (i) Kirk Smyth (GD)
Blackstone Consulting (GDA-1054)

c. Guard Instructor Ratification

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to ratify approval on the following guard instructor applicants:

1. Daron P. Akiyama – Approved 2/24/17
2. Alan T. Anami – Approved 3/2/17
3. Terry M. Bauer – Approved 2/16/17
4. Charles C.C. Iona – Approved 3/7/17
5. Chester Kahalepuna – Approved 3/7/17
6. George Kahooohanohano – Approved 2/16/17

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. Michael Brightmon
2. Aukai Lopes
3. Joshua Nunes

4. Devonte Pendergrass
5. Nixon S. Tumamao
6. Michael Wilson-Ng

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to approve the following guard employee registration applicant pending verification that graduating from Youth Challenge Academy is equivalent to a high school education:

7. Vaigamele W. Papalii

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:

8. Remington Nucum
9. Tiafou Lagai, Jr.
10. Vincent Tu-Maafala

e. Renewal

It was moved by Mr. Denis, seconded by Mr. Chang, and unanimously carried to defer the following renewal/restoration application and to request that they provide proof of having taken the 4-hour continuing education course instead of the 8-hour initial training course as the curriculum is different:

1. Andrew Mauga (GDE-8412)

f. 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-17822 – GDE 18049 (see attached list).

Executive Officer's Report:

a. Report on Fieldprint, Inc.'s Fingerprinting Fees

Effective March 14, 2017, the cost of the fingerprinting fee was reduced to \$8.95 due to a statewide contract the Hawaii Criminal Justice Data Center has with Fieldprint, thus the cost for the FBI and the State of Hawaii Criminal History Record Check is now \$50.95 as follows:

Fingerprinting	\$8.95
State	\$30.00
FBI	<u>\$12.00</u>
TOTAL:	\$50.95

b. Guard Application Updates

Ms. Tamanaha reported that the guard applications will be updated to include at the top of the page a statement indicating that if the applicant is currently employed by the Honolulu Police Department, to stop and not apply as they do not qualify because of a conflict of interest pursuant to section 16-97-8, Hawaii Administrative Rules.

There was discussion that Maui police officers work at the airports through Securitas; however they are not employed as guards, but as law enforcement officers.

Legislation:

a. S.B. 1264, S.D.1 – Relating to Security Guards

On March 15, 2017, there was a hearing on S.B. 1264, S.D.1, H.R. 40, and H.C.R. 75 in which the Executive Officer testified on behalf of the Board in that they hadn't had a chance to meet to discuss these measures, but would at its meeting on March 16, 2017 and noted that along with the Department of Commerce and Consumer Affairs, the Board has been working to address the concerns of the security guard industry regarding the regulatory process and is open to continue working with the industry and other stakeholders to find improvements that would make the licensure process less onerous, while still leaving adequate public safeguards in place.

S.B. 1264, S.D.1 proposes the following:

- Allow self-attestation that the applicant has proof of a high school education or its equivalent;
- Reduce the number of required hours (from eight to four) of classroom instruction before a security guard's first day of service and defines "classroom instruction" to include teleconferencing and other formats approved by the board;
- Reduce the frequency of the four-hour continuing education ("CE") requirement from every biennial renewal to every other biennial renewal period beginning June 30, 2018;
- Defines classroom instruction for CE to include alternate formats such as videotape, audiotape, digital video disk, remote place viewing, online computer presentations, teleconferencing, computer self-study and other formats approved by the board;

- Removed language in the original bill that would permit a security guard to meet all registration, instruction, and training requirements within 60 days of the first day of employment; and
- Removed language in the original bill that would have permitted security guard registration renewal to be no sooner than two years from an applicant's completion of initial registration.

During discussion, it was mentioned that employers are wanting to streamline the application process because of the processing time and the many steps required for someone to register as a security guard potentially causes employers to lose the employee to another job.

Director Awakuni Colón explained to the Board that she, Deputy Director Uchida Takeuchi, Mr. Chang and Mr. Denis met with industry stakeholders to discuss the issues and hopefully find some consensus. The S.D.1 was Administration's attempt at a draft that would provide a vehicle for further discussion. Language in the S.D.1 was the result of issues discussed at this meeting. As a trade-off to allowing a guard employee to work for 60 days, a self-attestation that the applicant has proof of a high school education or its equivalent was added to the bill.

During discussion, Chief Faamu suggested that if the industry wants the standard of a guard employee to be at a certain level, they should raise the pay of their guards and not lower their standards.

Chairperson Galas mentioned a previous article that was previously in the Star-Advertiser having reported that this industry had a loss of over one million dollars even before Act 208 took effect and appears the industry is still using the same figures now.

Chairperson Galas also suggested that instead of putting the financial burden on the applicant to obtain a FBI National Criminal History Record Check and the State of Hawaii Criminal History Record Check that employers should pay for the information.

In anticipation of this vehicle moving forward, the Board's consensus is as follows:

- The Board is in favor of accepting a self-attestation of having a high school education or its equivalent as fulfilling the high school education requirement;

- Is not in favor of lowering the initial training requirement of eight hours to four hours as it is barely enough time to sufficiently train an employee to know what they need to know to do their job;
- It is in favor of a triennial renewal for guards employees to commence June 30, 2018 with the CE commencing June 30, 2021 to effectuate a smooth transition;
- In favor of four hours CE every triennial period;
- The definition of classroom instruction should be the same for initial and the four-hour CE. The Board wants two-way communication between the instructor and the student to enable discussion and questions and answering capabilities;
- The initial eight hours and four hours remain statutorily mandated; and
- Opposed to any language that would allow an individual to act as a guard without being vetted by the Board.

It was moved by Chief Faaumu, seconded by Chief Perry, and unanimously carried to take the above changes/recommendations into consideration regarding S.B. 1264, S.D.1.

- b. H.R. 40 – Requesting the Board of Private Detectives and Guards to Review the Current Laws, Regulations, Procedures, and Fees Associated with the Registration of Security Guards
- c. H.C.R. 75 – Requesting the Board of Private Detectives and Guards to Review the Current Laws, Regulations, Procedures, and Fees Associated with the Registration of Security Guards

H.R. 40 and H.C.R. 75 is requesting the Board review their statute, rules and procedures governing the registration of security guards including the policy mandating forfeiture or registration rather than suspension, whether the registration fees are too high in relation to the median pay of security guards when compared to the licensing fees of other professions and whether the prices charged by training instructors should be regulated by the Board. The Board is also requested to study whether the security guard agencies should be prohibited from denying their employees from taking outside supplemental employment.

Both resolutions were deferred at the March 15, 2017 hearing.

At 1:02 p.m., Mr. Chang was excused from the meeting.

Examination:

a. Review & Report

(i) February 17, 2017 Security Guard Examination Results

Exams Administered	2
Successful	1
Unsuccessful	1

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

a. Initial 8-Hour Security Guard Training Curricula

This agenda item was deferred pending industry input.

Next Meeting:

Thursday, May 4, 2017
Exam Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss the meeting adjourned at
1:20 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

4/12/17

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of_____.

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

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

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