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, February 13, 2014
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
         Darryl Perry, Chief of Police, County of Kauai
         Kenneth Chang, Industry Member
         Edward Akiona, Industry Member
         Rodney J. Tam, Deputy Attorney General
         Charlene L.K. Tamanaha, Executive Officer
         Christine Hironaka, Secretary

Excused: Ray Galas, Public Member
         Gary Yabuta, Chief of Police, County of Maui, Vice Chairperson

Guests: Kelly AhHee – Kilohana Security, LLC
        Keith Naone – Phoenix Security
        Larry Baird – Island Security Services
        Jeff 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 10:46 a.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. Akiona, and unanimously carried to approve the Board minutes and executive session minutes of the January 9, 2014 meeting.

Applications

a. Oral Interview for Licensure
   
   1) Guard
Executive Session: It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to enter into executive session pursuant to HRS sections 92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 10:47 a.m.

EXECUTIVE SESSION

i. Kelly J. Ah Hee – GD-1007
   Kilohana Security LLC

   It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to reconvene to the Board’s regular order of business at 10:53 a.m. for the conclusion of the oral interview with the individual applicant.

   It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to approve the above application subject to meeting all licensing requirements. The Executive Officer informed Mr. Ah Hee that the licensing branch will send notice of fees due and bond requirements for the licensing phase.

Executive Session: It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to enter into executive session pursuant to HRS sections 92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 10:57 a.m.

EXECUTIVE SESSION

ii. Keith P. Naone – GD
    Sole

    It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to reconvene to the Board’s regular order of business at 11:02 a.m. for the conclusion of the oral interview with the individual applicant.

    It was moved by Mr. Akiona, seconded by Chief Perry, and unanimously carried to approve the above application subject to meeting all licensing requirements. The Executive Officer informed Mr. Naone that the licensing branch will send notice of fees due and bond requirements for the licensing phase. The Board advised him that his
badge looked like the Hawaii county Police and that he needs to replace it.

Executive Session: It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to enter into executive session pursuant to HRS sections 92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 11:04 a.m.

EXECUTIVE SESSION

iii. Larry P. Baird – GD
Sole

It was moved by Mr. Chang, seconded by Chief Perry and unanimously carried to reconvene to the Board’s regular order of business at 11:19 a.m. for the conclusion of the oral interview with the individual applicant.

It was moved by Mr. Chang, seconded by Chief Perry, and unanimously carried to approve the above application subject to meeting all licensing requirements. The Executive Officer informed Mr. Baird that the licensing branch will send notice of fees due and bond requirements for the licensing phase. The Board advised him that he must change his badge because it resembles a county police badge.

2) Private Detective

None

b. Review for Examination

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

1) Guard

i. Richard W. Ornellas
HBC Management Services Inc. (GDA-955)

ii. Sean G. Wilson
Pono Security LLC
It was moved by Mr. Chang, seconded by Chief Perry, and unanimously carried to **approve** the following applications for examination:

2) **Private Detective**
   
i. Eyleen R. McCluskey Shouman  
   Sole

   iii. Todd M. Tano 
   Unlimited Incorporated

c. **Change from Principal to Sole**

   It was moved by Mr. Chang, seconded by Chief Perry, and unanimously carried to **approve** the following requests to change from principal to sole proprietor:

   1) **Private Detective**
   
i. Patrick K. P. Oka (PD-918)

   ii. Brian Martyn

d. **Reactivation to Sole**

   It was moved by Mr. Chang, seconded by Chief Perry, and unanimously carried to **approve** the following reactivation to sole proprietor:

   1) **Guard**
   
i. Michael C. Young (GD-848)

e. **Guard Instructor**

   None

f. **Guard Instructor Ratification**

   None

g. **Guard Employee**

   None
h. Guard Employee Ratification

It was moved by Chief Perry, seconded by Mr. Akiona and unanimously carried to ratify the approval of the Guard Employees assigned registration numbers GDE-8921 – GDE-9220 (see the attached list).

Executive Officer’s Report:  
a. Guard Employee Registration Statistics

| Total applications received as of 2/10/14 | 10,117 |
| Total licensed | 9,332 |
| Applications with deficiencies | 582 |

Examination:  
a. Review & Report

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

Security Guard Exam (administered January 17, 2014)

<table>
<thead>
<tr>
<th>Exams Administered</th>
<th>Successful</th>
<th>Unsuccessful</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Act 208 (SLH 2010) and Any Matters Relating to its Implementation:  
a. Continuing Education Curriculum

i. Curriculum Review

Security Guard Continuing Education Curriculum – Transcend, Inc.

Mr. Owens stated that the Security Guard Continuing Education Requirements does not include a testing requirement. The Executive Officer responded that the statute does not require a test for continuing education. The Executive Officer added that individuals may be able to upload their CE certificates when they renew online and be subject to a random audit.

It was moved by Mr. Chang, seconded by Mr. Akiona and unanimously carried to approve the Security Guard Continuing Education Curriculum submitted by Transcend, Inc.
ii. Website Update

The Executive Officer informed the Board that the following notice “Security Guard Continuing Education Requirements” has been posted on the Board’s website.

BOARD OF PRIVATE DETECTIVES & GUARDS
January 17, 2014

SECURITY GUARD CONTINUING EDUCATION REQUIREMENTS

HRS Section 463-10.5 (Act 208 (SLH 2010))

INTRODUCTION

In 2010, the Legislature established new training and continuing education requirements for guards in HRS section 463-10.5. See, Act 208 (SLH 2010). The new training requirements became effective on July 1, 2013.

Effective June 30, 2014, registered guards are required to obtain at least four (4) hours of continuing education prior to each renewal. These four hours are required to be obtained in the classroom.

CONTINUING EDUCATION COURSE CURRICULA

The following are the course curriculums for the continuing education requirements and the minimum amounts of time that each topic should be covered. There are seven (7) general topics that must be covered:

1. Professional image and aloha training (minimum duration: 35 minutes)

2. Active shooter (minimum duration: 40 minutes)
   a. Introduction to active shooters
   b. Active shooter in the vicinity
   c. What to do when law enforcement arrives
   d. Managing the consequences of an active shooter

3. Workplace violence (minimum duration: 45 minutes)
   a. Recognizing potential workplace violence
   b. Indicators of dangerous behavior
   c. Proactive response and notification of management

4. Fire safety (minimum duration: 30 minutes)
   a. Fire: causes, prevention, and response
   b. Different types of fires and fire extinguishers
   c. Basic evacuation procedures

5. Bloodborne pathogen exposure awareness (minimum duration: 30 minutes)
   a. Various diseases, fluids, and routes of transmission
   b. Methods to prevent exposure
   c. Personal protective equipment
   d. Disease and vaccination information for HIV, hepatitis B, hepatitis C, tuberculosis, etc.
6. **Professional ethics** (minimum duration: 30 minutes)
   a. Ethics and professionalism
   b. Avoiding conflicts of interest

7. **Civil liability** (minimum duration: 30 minutes)
   a. Lawsuits, claims, and liability
   b. Duty of care
   c. Civil rights violations awareness

b. **Letter from Miles Tanabe of Blue Knight Services Hawaii, Inc.**
   asking for the Board’s consideration of an interim card allowing new employees the ability to work in a guard capacity while their applications are being reviewed.

The Board reviewed Miles Tanabe’s request for the Board’s consideration of an interim card allowing new employees the ability to work in a guard capacity while their applications are being reviewed and determined that under HRS section 463-10.5, any individual who applies to register as guards after July 1, 2013 must first meet the registration requirements prior to acting as a guard. The guard registration card is evidence that all of the registration requirements have been met. Thus, the Board cannot issue an “interim” guard card, and will only issue a guard card once the registration application has been approved by the Board.

The Board understands the industry’s concerns in having to increase staffing to accommodate clients and new contracts within tight time constraints; however it is charged with upholding the statutory mandates. The Board recommends the following for applicants and employers to expedite the processing of GDE applications:

1) Applicants/employers can perfect their submittal packages by making certain all required documents are submitted (training certificate, verification of high school or equivalency).

2) If you or your employee answers “Yes” to questions 3, 4, or 5 of the application, insure that all the documentation required on pages 2 and 3 of the “Requirements & Instructions – Guard Registration” is submitted.

3) Applicant/employee must answer “Yes” if they have any criminal convictions. If any conviction is revealed, a deficiency or deferral will be sent requesting the required documentation and statements if not originally submitted. Sending deficiencies, awaiting documentation to clear the deficiency, and Board review may add approximately 4 weeks to the process.

4) If the high school educational documentation is in question, use the “Statement of Educational Background” form. Remember it must verify at least 4
years of work experience. If you or an employee has only worked with an employer for 2 years, the applicant/employee must obtain as many statements from former employers needed to verify at least 4 years. The forms must be signed and notarized.

5) Fee for the guard registration is $73.00. If your company is submitting fees for employees, use separate checks. Using a single check for multiple employees may result in delays if one applicant does not “clear” the review.

2014 Board Renewals: a. The Executive Officer informed the Board that the Guard Employee Registration renewals will be available online. Applicants will attest that they have met the continued competency requirements but will not have to send in certificates. The computer will generate a random list oflicensees and only those will have to submit their certificates.

Legislation: a. HB2020/SB2486 Relating to private guards

The Executive Officer informed the Board that Senator Baker introduced the bill as discussed at the Board’s November 14, 2013 meeting. Senate Bill 2486 strongly supported by the Board proposes to 1) revise the continuing education requirement to four hours every two years instead of four hours every year; 2) delay the continuing education requirement from the June 30, 2014 renewal cycle to the June 30, 2016 renewal cycle; and 3) repeal the sunset date of Act 208, SLH 2010 to make permanent the registration requirements for guards or any other employee acting in a guard capacity. The bill passed with amendments and the committee recommended passage on second reading. Representative McKeelvey deferred House Bill 2020 since the Senate comparison was crossing over to the House Committee on Consumer Protection and Commerce.

Scope: a. Email requesting clarification of Private Investigator/Detective licensing requirements relating to digital/computer Forensic Examiners.

The Board reviewed Mr. Lonardo’s request for clarification of the private investigator/detective licensing requirements relating to digital/computer forensic examiners. After further discussion and based on the information provided, the Board determined that in general “readily or publicly accessible information” under HRS section 463-1 is information that is in the public domain or can be accessed or retrieved without the need to obtain a person’s (e.g., individual, entity, or governmental agency) consent. Thus, if your Digital/Computer forensic examiners cannot access or retrieve the information from the public domain or need to obtain a person’s
consent to access or retrieve the information, a private detective’s license is required under HRS chapter 463.

b. Kleinbard Bell Brecker LLC letter requesting Board determination that HRS §463-1, including any requirement regarding licensure or registration, does not apply to the developer of a safety-related video conferencing application for smartphones.

The Board reviewed Mr. Wong’s request for a Board determination that HRS §463-1 including any requirement regarding licensure or registration, does not apply to the out-of-state developer of a safety-related video conferencing smartphone application. Based solely on the information provided, the Board responded to the questions as follows:

1. The responder is never physically present in the jurisdiction, appearing only via the phone’s video-conferencing software and then only for a short period, typically seconds. The responder’s communications is limited to talking with the user or asking any threatening person to leave the user alone. Because of the inherent limitations in the Service, the responder cannot provide any of the types of services that a security guard typically provides (e.g. physical protection, a uniformed presence, patrol services or the like). Furthermore, the App is not designed to provide services with respect to a contractually prescribed premises. Under these circumstances, is the Developer or any person working for the Developer engaged in the "business of guard" for the purposes of Haw. Rev. Stat. §463-7?

Answer: No. No license or registration is required.

2. Does the Act, including any requirement regarding licensure or registration, apply to the Developer or the App or persons working for the Developer or App?

Answer: No. No license or registration is required.

Next Meeting: Thursday, March 13, 2014
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 11:30 a.m.

Reviewed and approved by: 

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

/s/ Christine Hironaka
Christine Hironaka
Secretary

2/24/14

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