

BOARD OF PRIVATE DETECTIVES AND GUARDS

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

MINUTES OF MEETING

- Date: Wednesday, March 11, 2020
- Time: 10:30 a.m.
- Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813
- Present: Ray Galas, Public Member, Chairperson
Albert Denis, Industry Member, Vice Chairperson
Kenneth Chang, Industry Member
Paul Ferreira, Chief of Police, County of Hawaii
Valerie Kato, Deputy Attorney General ("DAG")
Gregory Zambrano, Executive Officer ("EO")
Chelsea Fukunaga, EO
Kellie Teraoka, Secretary
Ricki Keithley, Secretary
- Excused: Catherine P. Awakuni Colón, Director, DCCA, Ex-Officio
Tivoli Faaumu, Chief of Police, County of Maui
Douglas Inouye, Public Member
- Guests: Andrew Black, UH Manoa, Department of Public Safety
Kurt Mencil, UH Manoa, Department of Public Safety
Jeff Owens, Transcend, Inc.
Christopher McCausland, Applicant
Bronson Bautista, Applicant
Reginald Kellett, Jr., Applicant
- 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 10:48 a.m. by the Chair.
- The Chair announced that his term ends on June 30, 2020. EO Zambrano thanked the Chair for his 8 years of service.

Approval of the Board Minutes: The Chair asked if there were any corrections to the January 8, 2020 minutes.

With a motion by the Vice Chair, seconded by Mr. Chang, it was voted on and unanimously carried to approve the minutes as circulated.

Chapter 91, HRS, Adjudicatory Matters: At 10:50 a.m., the Chair recessed the Board's meeting to discuss the following adjudicatory matters pursuant to Chapter 91, HRS:

It was moved by the Vice Chair, seconded by Chief Ferreira, and unanimously carried to accept the following Board's Final Orders:

- a. In the Matter of the Guard Employee License of **Stanley Anitok; PDG 2019-30-L SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER.**
- b. In the Matter of the Guard Employee Registration of **Wendy E. Nodland-Peron; PDG 2019-13-L SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER.**

Following the Board's review, deliberation, and decision in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening to its Chapter 92 Meeting at 10:55 a.m.

The Chair pointed out that under agenda items 3a. and 3b. both licensees are guard employees and should be referenced as either a "Guard Employee Registration" or "Guard Employee License." It was explained to the Chair, that these titles reflect the verbiage on the settlement agreements provided by the Regulated Industries Complaints Office ("RICO"). The Chair requested for EO Zambrano to address this issue with RICO for consistency purposes.

Board Appearance By Chief Andrew Black: Chief Andrew Black's appearance was deferred as he was not present at the meeting.

Applications: A. Oral Interview for Licensure

The Chair explained that the process for licensure includes an oral interview. He stated that everyone will be dismissed from the room except for the person being interviewed. The Chair went on to explain that following the series of questions that the Board will ask, the applicant may have an opportunity to ask the Board questions.

Executive Session: At 11:04 a.m., it was moved by Chair, seconded by Chief Ferreira, 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 12:21 p.m., it was moved by Mr. Chang, seconded by the Vice Chair and unanimously carried to move out of executive session.

1. Security Guard

With a motion by Vice Chair, seconded by the Chief Ferreira, it was voted on and unanimously carried to approve the following applications for Guard and/or Guard Agency license:

- (i) Reginald Kellett, Jr. (GD)
AK Protection Services (GDA)
- (ii) Christopher McCausland (GD)
1st Security Services of Hawaii (GDA)
- (iii) Bronson Bautista (Sole)

B. Review for Examination:

It was moved by the Vice Chair, seconded by Chief Ferreira, and unanimously carried to approve the following applicant for examination:

1. Security Guard

- (iii) Sheldon Kaopua (GD)
Star Protection Agency LLC (GDA-450)

It was moved by the Vice Chair, seconded by Chief Ferreira, and unanimously carried to defer the following applicants for examination for additional information:

- (i) Dan Christensen (GD)
Diversified Protection Corporation (GDA)
- (ii) Jimmy Lloyd (GD) (Sole)

It was moved by the Vice Chair, seconded by Mr. Chang, and unanimously carried to defer the following applicants for examination for additional information:

2. Private Detective
 - (i) Jimmie Lloyd (PD) (Sole)
 - (ii) Cleopatra Millar (PD) (Sole)
 - (iii) James Blando (PD)
Fire 4rensics Hawaii, LLC (PDA)

c. Guard Employee

It was moved by the Vice Chair, seconded by Chief Ferreira, and unanimously carried to approve the following applications for guard employee registration:

1. Aona, Paul
2. Bixler, Bryan
3. Blyden, Kevon
4. Bryant, Quincy
5. Guillermo, Alan
6. Hausia, Veikoso
7. Lilomaiava, Kositatino
8. Nitaro, Ata
9. Ornelas, Floren시오
10. Owens-Gil, Robee
11. Skells, Jacob
12. Tubon, Johnathan
13. Weza, Jacob
14. Williams-King, Dorsey

It was moved by the Vice Chair, seconded by Mr. Chang and unanimously carried to defer the following guard employee application and request for additional information:

1. Silva, Cory, Jr.

d. Guard Employee Ratification

It was moved the Chair, seconded by Mr. Chang, and unanimously carried to ratify the approval of the guard employees assigned registration numbers GDE-25245 to GDE-25630 (See attached list).

e. Guard Instructor Application

It was moved by the Chair, seconded by Mr. Chang, and unanimously carried to approve the following guard instructor application:

1. Ray Duropan

It was moved by the Chair, seconded by Mr. Chang, and unanimously carried to defer the following guard instructor application and request for additional information:

2. Lemoine Dawson, Jr.

It was moved by the Chair, seconded by the Vice Chair, and unanimously carried to approve the following guard instructor ratification list:

1. Eric Hurd (Approved 9/20/19)
2. Christopher Chang (Approved 9/20/19)
3. Galahao Quartero (Approved 9/20/19)
4. Jeremy Madred (Approved 9/20/19)

HRS §463-10.5
Matters:

a. 4-hour Continuing Education Curriculum Review

It was moved by the Vice Chair, seconded by Chief Ferreira, and unanimously carried to approve the following 4-hour Continuing Education Curriculum:

- (i) Ka'ana'ikepono, LLC

b. All Guard Employees Required to Carry a Guard Card

The Chair referenced the 5/7/13 Hawaii News Now report that stated effective on 7/1/13, all guard employees are required to carry a guard card as proof that they are registered. EO Zambrano clarified that the article states that the printed guard card should be carried on them at all times. The Chair's intent to address this agenda item was to re-memorialize this issue based off what the Board previously determined.

Mr. Owens stated that the current Hawaii Administrative Rules ("HAR") and HRS do not state that a guard employee is required to hold a guard card on their person.

It would be difficult to hold someone accountable if this requirement does not exist in laws or rules. RICO has the ability to search online if a person is licensed or not, so the printed guard card is irrelevant. Also, when a license was issued in the past, guards were immediately able to work; even though it took weeks to obtain the guard card through the mail.

The Chair reiterated that the agenda item was added to provide clarity in memorializing the intent of the Board. He further stated that the Board's Rules Committee is in process of updating their rules.

Mr. Owens also added that there is now the ability to print the guard cards online, however not everyone has access to printers or computers. He asked if guards are required to carry their cards in person, is it permissible to show a digital document image on their phones? The Chair stated that the Board will further explore this option.

It was moved by the Chair, seconded by the Vice Chair, and unanimously carried to memorialize the Board's May 18, 2019 intent to require that the printed guard cards should be carried as proof that they are registered, with the introduction of license pocket ID cards and wall certificates available for immediate download and printing at no cost to the licensees. The updated pocket ID card provides additional consumer protection with a QR code design imprint, in which consumers can scan to verify the licensee's current status through the linked PVL public search service.

The Chair left the meeting room at 12:48 p.m. and returned at 12:51 p.m.

- c. Public Confusion as to Identification, Indicia, Uniform, etc. of Employees Acting in a Guard Capacity with Those of Law Enforcement at Airport Locations

Mr. Chang gave a brief summary regarding the Maui County Council's concern that airport law enforcement officers ("LEO"), who are under contract by the Department of Transportation Services, are being mistakenly identified as police officers. The

Vice Chair added that he asked Securitas to provide specifications of their airport contract including uniform and vehicle specifications.

Mr. Chang stated that he was involved in the original designations of the uniforms. LEO and contact security supervisors ("CSS") originally wore white shirts. The new State

contract changed the color of the uniforms to dark blue. LEO and CSS now wear the dark blue colored uniforms with "Airport Police" printed on the back of their shirts. Any questions regarding this matter would need to be addressed by the State since they created the contract.

The Chair asked if it would be appropriate to send an informal statement from the Board regarding this issue to each County. DAG Kato did not recommend this as someone will need to submit a 92F request to obtain the information. Instead, it is preferable to reference the discussion in the meeting minutes.

Chief Ferreira recommended to brief Chief Faaumu on this matter since it primarily affects his County. The Board agreed that the discussion reflected in the meeting minutes is sufficient.

Examination:

a. Review & Report

EO Zambrano reported on the following examination results:

(i) January 17, 2020 Private Detective Examination Results

| | |
|--------------------|---|
| Exams Administered | 1 |
| Successful | 1 |
| Unsuccessful | 0 |

(ii) February 21, 2020 Private Detective Examination Results

| | |
|--------------------|---|
| Exams Administered | 2 |
| Successful | 0 |
| Unsuccessful | 2 |

(iii) February 21, 2020 Security Guard Examination Results

| | |
|--------------------|---|
| Exams Administered | 4 |
| Successful | 2 |
| Unsuccessful | 2 |

Strategic
Committee
Review Report:

a. Board SOP and Best Practices

It was moved by the Chair, seconded by the Vice Chair, and unanimously carried to defer this agenda item, due to time constraints.

Legislative
Committee
Report:

a. 2020 Legislative Session

EO Zambrano stated that none of the following bills crossed over during the current Legislative session:

(i) S.B. 3179 – Relating to Security Personnel

(ii) S.B. 2518 – Relating to Firearms

(iii) H.B. 1737/S.B. 2155 - Relating to Firearms (companion bills)

b. Legislative Committee Election

Due to no further bills being discussed during the 2020 Legislative session, this agenda item was deferred indefinitely.

Highway Flagging:

The Vice Chair shared that he received an email from one of his industry members asking the Board to consider revising the definition of acting in a guard capacity to include highway flagging.

EO Zambrano indicated that no amendments or revisions were necessary unless the Board was inclined to change its position as the inquiry had been previously addressed. EO Zambrano referred to the minutes of the September 11, 2015 meeting where the Board reviewed Kipapa LLC's traffic control flagger work description which stated:

It was moved by Vice Chairperson Galas, seconded by Chief Perry and unanimously carried based solely on the Kipapa LLC traffic control flaggers work description and the definition of "guard" in HRS chapter 463-1, the Board determined that traffic control flaggers are not subject to the registration requirements of Act 208 and HRS chapter 463-1.

EO's Report:

a. 2020 Financial Disclosures

EO Zambrano reminded the Board members that the 2020 financial disclosures are a requirement from State Ethics Commission and all Board members are required to provide their

financial information annually. The deadline to submit the disclosures is May 31, 2020.

Mr. Chang left the meeting room at 1:02 p.m., and returned at 1:04 p.m.

Open Forum: There were none.

Next Meeting: Wednesday, May 13, 2020
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss the meeting adjourned at 1:05 p.m.

Reviewed and approved by:

Taken by:

/s/ Chelsea Fukunaga
Chelsea Fukunaga
Executive Officer

/s/ Kellie Teraoka
Kellie Teraoka
Secretary

4/16/20

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