

## **BOARD OF PRIVATE DETECTIVES AND GUARDS**

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

### MINUTES OF MEETING

Date: Tuesday, September 29, 2020

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Present: Albert Denis, Industry Member, Chairperson Pro Tem  
Douglas Inouye, Public Member  
Edward Chu, Public Member  
Paul Ferreira, Chief of Police, County of Hawaii  
Tivoli Faaumu, Chief of Police, County of Maui  
Scott Collins, Industry Member  
Daniel Jacob, Deputy Attorney General (“DAG”)  
Catherine P. Awakuni Colón, Director, DCCA, Ex-Officio  
Chelsea Fukunaga, Executive Officer (“EO”)  
Charlene Tamanaha, Executive Officer  
Kellie Teraoka, Secretary  
Kelly Wei, Secretary  
Karyn Takahashi, Secretary to DCCA Director Catherine P. Awakuni Colón  
Terry Akasaka-Toyama, Secretary to DCCA Deputy Director Jo Ann M. Uchida Takeuchi

Excused: None

Guests: Jeffrey Owens, CTM, CVP  
Keith  
Natalie Lockett  
Jim Lloyd  
Lei Ana Green

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.

A brief video regarding the virtual board meeting, including meeting procedures and helpful information regarding how members of the public can participate and interact with the board during the meeting, was played.

Call to Order: There being a quorum present, the meeting was called to order at 10:08 a.m. by Chair Pro Tem Denis.

Mr. Chu, Mr. Collins, Chief Faaumu, Chief Ferreira, Mr. Inouye, and Mr. Denis confirmed they were present.

Chair Pro Tem Denis asked if any members of the public would like to provide oral testimony at this time. There were none.

Approval of the Board Minutes: Chair Pro Tem Denis asked if there were any corrections to the March 11, 2020 open session minutes and executive session minutes.

With a motion by Chief Faaumu, seconded by Chief Ferreira, it was voted on and unanimously carried to approve the open session minutes and executive session minutes as distributed.

Welcome New Board Members: Chair Pro Tem Denis asked if any members of the public would like to provide oral testimony at this time. There were none.

Chair Pro Tem Denis welcomed Mr. Chu, public member, and Mr. Collins, industry member, to the Board.

Applications: a. Oral Interview for Licensure

Chair Pro Tem Denis explained that the process for licensure includes an oral interview. Chair Pro Tem Denis went on to explain the series of questions that the Board will ask, and that the applicant will also have an opportunity to ask the Board questions.

Executive Session: At 10:12 a.m., it was moved by Chair Pro Tem Denis, seconded by Mr. Collins, 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 11:18 p.m., it was moved by Mr. Inouye, seconded by Chair Pro Tem Denis and unanimously carried to move out of executive session.

1. Security Guard

With a motion by Mr. Inouye, seconded by Mr. Collins, it was voted on and unanimously carried to approve the following application for a Guard license:

- (i) Martha Fontana-Kwon (GD)(Sole)

b. Guard Employee

It was moved by Mr. Inouye, seconded by Mr. Collins and unanimously carried to defer the following guard employee applications pending additional information:

1. Akau, James
2. Burrows, Michael
3. Duclayan, Carlos
4. Enos, Austin
5. Helmas, Miuleen
6. Lynch, Anthony
7. Tukumoeatu, Lutia Tuumaleaga
8. Rederos, Leann O.K.
9. Savea, Ezra

c. Guard Employee Ratification

It was moved by Mr. Inouye, seconded by Chief Faaumu, and unanimously carried to ratify the approval of the guard employees assigned registration numbers GDE-25631 to GDE-27019.

d. Guard Instructor Application

It was moved by Chief Faaumu, seconded by Mr. Inouye and unanimously carried to approve the following guard instructor ratification list:

1. Avery Jaena
2. Justin Roesch
3. Todd Wellman

e. Examination Ratification

It was moved by Chief Faaumu, seconded by Mr. Collins, and unanimously carried to approve the following examination ratification list:

1. Security Guard

- (i) Jessica Ann K. Bacerra (GD)

Kapili Services LL (GDA-1104)

- (ii) Jan Karlo E. Dullaga (GD)  
Kauai Security Guards LLC (GDA)
- (iii) Cecelia McGuinn (GD)  
Khalsa Security USA (GDA)
- (iv) Vaiuli Sua Jr. (GD)  
Pacific Royal Guard LLC (GDA)

## 2. Private Detective

- (i) Eric J. Arroyo (PD)(Sole)
- (ii) Ronald Y. Kondo (PD)  
Convent Bridge (USA) Inc. (PDA-1099)
- (iii) Cecilia McGuinn (PD)(Sole)

## New Business:

### A. Election of Chairperson and Vice Chairperson

Chair Pro Tem Denis opened the floor for nominations for the position of Board Chairperson. Mr. Collins nominated Mr. Denis for the position. Mr. Inouye seconded the motion, and with no further nominations it was unanimously carried to elect Mr. Denis as the Board's Chairperson.

Chairperson Denis opened the floor for nominations for the position of Board Vice Chairperson. Chairperson Denis nominated Mr. Inouye for the position. Chief Ferreira seconded the motion, and it was unanimously carried to elect Mr. Inouye as the Board's Vice Chairperson.

### B. Nomination of Members to the Applications Review, Curriculum Review, and Legislative Committees

The Chair recommended the following chairs and committee members to the following board standing committees:

#### **Applications Review Committee:**

Chair: Albert Denis

Member(s): Scott Collins

**Curriculum Review Committee:**

Chair: Albert Denis

Member(s): Doug Inouye and Edward Chu

**Legislative Committee:**

Chair: Albert Denis

Member(s): Doug Inouye and Edward Chu

It was moved by Chief Faaumu, seconded by Chief Ferreira, and unanimously carried to appoint these individuals to their respective positions and committees.

**Mr. Collins left the meeting at 11:36 a.m.**

HRS §463-10.5  
Matters:

A. Remote Technologies Guidelines

The Chair asked if any members of the public would like to provide oral testimony at this time. There were none.

The Chair opened this agenda item for discussion. As members were provided this document in their packets, the Chair asked if there were any concerns or recommendations for change?

Being none, it was moved by Chief Ferreira, seconded by the Vice Chair, and unanimously carried to approve the remote technologies guidelines as published.

B. Email Regarding Telephonic Investigations

The Chair asked if any members of the public would like to provide oral testimony at this time. There were none.

The Chair reviewed Ms. Dean's email which asks if an investigator is conducting telephonic work from a state other than Hawaii, are they required to be licensed in Hawaii or just the state that they are calling from?

The Chair opened this agenda item for discussion.

The Vice Chair stated that a license is required if the type of activity the investigator is engaging in falls within the

definition of a "Detective" pursuant to Hawaii Administrative Rules section 16-97-2 which states,

"Detective" means a person licensed under chapter 463, HRS, and this chapter and who for any compensation or consideration obtains information and evidence not readily or publicly accessible with reference to any of the following matters, notwithstanding the fact that other functions and services may also be performed by the same person for fee, hire, or reward:

- (1) Crime or wrong done or threatened or assumed to have been done or threatened against the government of the United States of America, or any of its states, territories, or possessions;
- (2) The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any person, association, organization, society, or groups of persons, firms, or corporations;
- (3) The credibility of witnesses or other persons;
- (4) The whereabouts of missing persons;
- (5) The location, disposition, or recovery of lost or stolen property;
- (6) The causes and origin of, or responsibility for, fires, accidents, damage, injuries, or losses to persons, firms, associations, or corporations, or to real or personal property;
- (7) The affiliation, connection, or relation of any person, firm, or corporation with any organization, society, association, or with any official member or representative thereof;
- (8) The conduct, honesty, efficiency, loyalty, or activities of employees, agents, contractors, and subcontractors; or
- (9) The securing of evidence to be used before any investigating committee, board of award, board of arbitration, or in any civil or criminal trial."

Otherwise, a local agency could circumvent this requirement by hiring out-of-state agencies to conduct the investigations. It was the consensus of the Board that based upon the above definition, a license is required.

It was moved by the Vice Chair, seconded by Chief Ferreira, and unanimously carried that a license is required to conduct telephonic investigations as outlined in the email inquiry.

C. Email Regarding Temperature Checks

The Chair asked if any members of the public would like to provide oral testimony at this time.

Mr. Owens introduced himself and explained that his inquiry was a result of being asked in his role as consultant/trainer, whether or not a guard card is required to conduct temperature checks. He is seeking further clarification from the Board.

The Chair opened this agenda item for discussion.

Chief Ferreira felt that it was not necessary to hold a guard license because places such as doctor's offices have receptionists who conduct temperature checks without a license.

The Vice Chair stated that the act of taking someone's temperature itself would not require a license. However, if the employee were told to deny access to an establishment and/or enforce/protect then it would be a different situation.

Chief Faaumu added that currently, establishments have the right to refuse service, which is enforced by the establishment. However, due to COVID-19 there are additional requirements such as no mask/no service and temperature checks, which is something new that businesses need to deal with. Chief Faaumu recommended deferring this matter to seek legal guidance.

It was moved by the Vice Chair, seconded by Mr. Chu, and unanimously carried to defer this topic for further examination.

Ms. Tamanaha asked what type of information Board members would require in order to make a determination at the next meeting. The Chair recommended requesting current customs and practices and taking a closer examination to determine if a guard card is required, as this may present a burden to smaller organizations.

Chief Faaumu explained that currently at the airport, if a person has a high temperature, they will be escorted to medical personnel to make the appropriate determination and it would not be the guard's responsibility. He agreed that this is something new, and the Board would need to research further before making a hasty decision.

Chief Ferreira added that businesses have always had the right to refuse service for various reasons, even before COVID-19. This is solely up to the owner of the business to refuse service, without requiring a guard license.

The Vice Chair stated that the determination could be dependent on the procedures that the establishment has in place. If they instruct the employee not to provide service, and customer refuses to leave, they could instruct the employee to call HPD or security to escort the customer off the premises. However, if the business instructs the employee to apprehend the customer, then he/she will need to be licensed. This will depend on the procedures that were provided to the employee because the overall duties of each employee vary.

The Chair suggested to reach out to other states to obtain information and see how they are handling this situation.

Ms. Tamanaha agreed that it would depend upon the specific duties the employee is instructed to do that would determine whether a license is required. It would be difficult to provide a blanket statement, because the determination would be on case by case basis depending on the specific duties assigned as to whether a license is required.

D. Email Regarding the Approval of Self-Study for the CE 2021 Renewal

The Chair asked if any members of the public would like to provide oral testimony at this time.

The Chair reviewed Mr. Heaukulani's request to provide a self-study option to their guards for the continuing education 2021 renewal of the Solutions-4-Security LLC approved curricula.

The Chair opened this agenda item for discussion.



Ms. Tamanaha directed the Board members to HRS §463-10.5 which covers registration, instruction, testing, and continuing education. HRS §463-10.5 states that remote learning should be interconnective with 2-way teleconferencing and other interactive educational formats approved by the Board. When the Board discussed language for this section, it was important to them that there be a means for the instructor to see the student, and for the student to be able to ask questions, and that there would be two-way interactive communication.

The Vice Chair added that the requestor is asking for a self-study option to protect the health of guards and trainers, however, with remote learning, there is also no COVID risks.

It was moved by Chief Ferreira, seconded by the Vice Chair, and unanimously carried to deny Mr. Heaukulani's request to provide a self-study option to their guards for the continuing education 2021 renewal of the Seolutions-4-Security LLC approved curricula pursuant to HRS section 463-10.5.

Next Meeting: Wednesday, November 18, 2020  
10:00 a.m.  
Virtual Videoconference Meeting  
Zoom Webinar

Adjournment: There being no further business to discuss the meeting adjourned at 12:02 p.m.

Reviewed and approved by:

/s/Chelsea Fukunaga

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Chelsea Fukunaga  
Executive Officer

Taken by:

/s/Kellie Teraoka

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Kellie Teraoka  
Secretary

10/25/20

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_