

## **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, November 18, 2020

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Present: Albert Denis, Industry Member, Chairperson  
Douglas Inouye, Public Member, Vice-Chairperson  
Edward Chu, Public Member  
Paul Ferreira, Chief of Police, County of Hawaii  
Tivoli Faaumu, Chief of Police, County of Maui  
Scott Collins, Industry Member  
Andrew Goff, Deputy Attorney General  
Catherine P. Awakuni Colón, Director, DCCA, Ex-Officio  
Chelsea Fukunaga, Executive Officer (“EO”)  
Charlene Tamanaha, Executive Officer  
Ahlani Quiogue, Executive Officer  
Kellie Teraoka, Secretary  
Kawehi Mau, Secretary  
Erin Emerson, 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: Natalie L.  
Jessica Bacerra  
Harry Burt – HNL – Security  
Jim Lloyd

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 10:09 a.m. by the Chair.

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

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

Approval of the Board Minutes: The Chair asked if there were any corrections to the September 29, 2020 open session minutes and executive session minutes.

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

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

Chapter 91, HRS  
Adjudicatory  
Matter:

A. In the Matter of the Guard License of Albert K.A. Hayashi;  
PDG 2016-96-L

SUPPLEMENTAL AFFIDAVIT OF JOHN T. HASSLER

Ms. Fukunaga requested to defer this agenda item to the next meeting, due to pending additional documents, to which the Board agreed.

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

Applications: A. Oral Interview for Licensure

The Chair explained that the process for licensure includes an oral interview. The Chair 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 10:14 a.m., it was moved by the Vice-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 10:32 a.m., it was moved by the Vice Chair, seconded by Mr. Collins and unanimously carried to move out of executive session.

### 1. Security Guard

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

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

- (i) Jessica Ann K. Bacerra (GD)  
Kapili Services LLC (GDA-1104)

### B. Guard Employee Ratification

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

It was moved by Chief Faaumu, seconded by the Vice Chair, and voted on and unanimously carried to ratify the approval of the guard employees assigned registration numbers GDE-27020 to GDE-27351.

**Chief Ferreira excused himself from the meeting at 10:36 a.m.**

### C. Examination Ratification

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

It was moved by the Vice-Chair, seconded by Mr. Collins, and voted on and carried by the majority, with the exception of Chief Ferreira who was excused, to approve the following examination ratification list:

- 1. Security Guard
  - (i) Jimmie Earl Lloyd Jr. (GD) (Sole)
- 2. Private Detective
  - (i) Jimmie Earl Lloyd Jr. (PD) (Sole)

HRS Section  
463-10.5 and  
Any Matters  
Relating to Its  
Implementation:

A. Board Approved Curricula Providers Requesting to Use Remote Technologies Ratification

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

It was moved by Mr. Collins, seconded by the Vice-Chair, and voted on and carried by the majority, with the exception of Chief Ferreira who was excused and the Chair who recused himself, to approve the following ratification list of curricula providers requesting to use remote technology:

1. Transcend Inc.
2. Kauai Community College, Office of Continuing Education and Training
3. Ka'ana'ikepono, LLC.
4. Securitas Security Services USA, Inc.

**Chief Ferreira returned to the meeting at 10:41 a.m.**

B. 4-Hour Continuing Education Curriculum Ratification

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

It was moved by the Vice Chair, seconded by Chief Faaumu, and voted on and unanimously carried, to approve the following continuing education ratification list:

1. United Courier Services, Inc.

New Business:

A. Re-wording of the Guard Employee Application Question #6:

*"Have you ever been convicted of a crime in any jurisdiction that has not been annulled or expunged?"*

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

The Chair explained that if applicants entered a deferred acceptance of guilty plea ("DAG") or deferred acceptance of no contest plea ("DANC"), they often answer "no" to this question. The Chair opened this agenda item up for discussion and asked

if the Board should amend this question and have the applicant provide information regarding their DAG or DANC plea.

Ms. Tamanaha added that this question is asked to all applicants for the various areas in which PVL licenses. If the question were to be changed, it would impact all of PVL's licensing areas. The statute only gives the Board the ability to consider actual convictions.

The Chair explained that most times, the DAG or DANC terms are deferred and have not been completed, so the applicant does not have a conviction on their record at the time the application is submitted. Should the applicant re-offend during the deferral period, their probation could be revoked, and could result in a conviction.

Mr. Collins explained that the applicant must abide by terms and conditions of the DAG or DANC. If they violate or re-offend during this period, they will go back to court and will be resentenced. Mr. Collins recommended having the DAG review this language to ensure that it is consistent across all licensing areas.

Mr. Collins referenced HRS sections 436B-19(10) and 436B-19(14), which states:

In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (10) Violating any condition or limitation upon which a conditional or temporary license was issued;
- (14) Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation;

Mr. Collins stated that another option would be for the Board to issue a conditional license until the terms of the applicant's probation is complete. The Board may also require the applicant to report any probation violations as well as to notify the Board of any resentencing.

Ms. Tamanaha does not think the Board has the authority to deny an application based off the DAG or DANC plea, so the question should not be changed. However, if the Board is aware of the DAG and DANC plea, they can impose other conditions to ensure that the applicant has not re-offended and if convicted, their license will be revoked. She recommended to leave the question as is, to which the Board agreed.

B. Uniform Review

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

1. Loomis Armored, US LLC

The Chair stated that Board received pictures and copies of the aforementioned uniform samples.

Mr. Collins commented that in Loomis Armored, US LLC's uniform sample, the guard is pictured in dark colored uniform with a firearm. He asked if there should there be writing noted on the back of uniform. Ms. Tamanaha explained that the Board will send the uniform photos to the various county police chiefs, who will review and advise the Board of their concerns. The final approval is to be left to the various county police chiefs.

Ms. Fukunaga will request for a photo of the back of Loomis Armored, US LLC's uniform and will advise the various counties about this concern prior to sending for approval. If the various counties do not approve the uniform, the applicant will need to make the necessary adjustments and re-submit their request.

2. Pacific Courier, Inc.

The Chair commented that the uniform is light in color and he does not see any problems with the picture as submitted.

Ms. Tamanaha stated that it was hard to tell from the photo provided, whether the patch on the uniform resembled a badge.

Ms. Fukunaga will request for a more detailed photo of the patch on the uniform so that the various county police chiefs can verify that it does not resemble one of their badges.

Unfinished  
Business:

A. Email Regarding Temperature Checks

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

Ms. Fukunaga stated that as a follow up to the prior discussion at the previous meeting, she contacted various State Boards regarding their current policies about temperature checks. She received responses from Utah, Washington, and Nevada and their general consensus was that it is dependent on the situation and what duties the individual is instructed to perform after conducting the temperature check. The California Bureau of Security and Investigative Services also indicated that if the individual is instructed to act in a guard capacity, then a license is required. However, the sole act of performing a temperature check would not require a license.

The Chair and the Vice-Chair both agreed that the Board's response would vary based on various situations and facts.

Ms. Tamanaha advised that the Board has responded to prior inquiries by stating that if any one of the activities falls within the definition of a guard, then a license is required. However, if the specific duties of the employee are provided, and the Board can determine on a case by case basis, based on the specific parameters that are provided in the inquiry.

It was moved by the Vice Chair, seconded by Chief Ferreira, and voted on and unanimously carried, to provide the following response:

The Board approves the adoption of the following position in response to whether an individual taking a temperature check would be deemed acting in a guard capacity. The Board's position would depend on the facts of the situation and if the individual who is performing the duties in conjunction with taking the temperature check, if they would be required to have a license.

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Next Meeting: Wednesday, January 27, 2021  
10:00 a.m.  
Virtual Videoconference Meeting  
Zoom Webinar

Adjournment: There being no further business to discuss the meeting adjourned  
at 11:05 a.m.

Reviewed and approved by:

Taken by:

/s/ Chelsea Fukunaga  
Chelsea Fukunaga  
Executive Officer

/s/ Kellie Teraoka  
Kellie Teraoka  
Secretary

12/10/20

[ ] Minutes approved as is.

[ X ] Minutes approved with changes; see minutes of February 05, 2021