

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

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

### MINUTES OF MEETING

Date: February 5, 2021

Time: 10:30 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  
Scott Collins, Industry Member  
Kelly Suzuka, Deputy Attorney General  
Chelsea Fukunaga, Executive Officer (“EO”)  
Candace Ito, Supervising Executive Officer, PVL, DCCA  
Kerrie Shahan, Executive Officer  
Kellie Teraoka, Secretary  
Kawehi Mau, Secretary  
Faith Nishimura, Secretary  
Christine Dela Cruz, Office Assistant  
Stephanie Karger, Office Assistant

Excused: Tivoli Faaumu, Chief of Police, County of Maui  
Catherine P. Awakuni Colón, Director, DCCA, Ex-Officio

Guests: Lei Fukumura, Special Deputy Attorney General

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 10:34 a.m. by Chair Denis.

Vice-Chair Inouye, Chief Ferreira, Mr. Chu, Mr. Collins and Chair Dennis confirmed they were present.

Chair 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 Denis asked if there were any corrections to the November 18, 2020 open session minutes and executive session minutes.

It was moved by Vice-Chair Inouye, seconded by Mr. Collins, and unanimously carried to approve the Executive Session meeting minutes of the November 18, 2020 meeting and amend the Board meeting minutes as follows:

On page 7, under Unfinished Business, paragraph 6, a typographical error existed, it should read:

“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. If the individual is performing guard duties in conjunction with taking the temperature check, they would be required to have a license.’”

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

Chapter 91, HRS Adjudicatory Matters:

At 10:38 a.m., Chair Denis called for a recess to discuss and deliberate the following adjudicatory matters pursuant to HRS Chapter 91.

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

1) AFFIDAVIT OF JOHN T. HASSLER; EXHIBIT “1”;

2) SUPPLEMENTAL AFFIDAVIT OF JOHN T. HASSLER

It was moved by Chair Denis, seconded by Vice-Chair Inouye, and unanimously carried to uphold the Board’s Final Order (“BFO”) dated November 6, 2019, and to revoke Albert Hayashi’s license based on his failure to comply with the terms and conditions of the BFO. The Board also delegated to its Executive Officer the authority to sign on its behalf a final order reflecting its decision.

B. In the Matter of the Guard’s Registration of **Guy U. Moses; PDG 2016-29-L**

SETTLEMENT AGREEMENT PRIOR TO FILING OF  
PETITION FOR DISCIPLINARY ACTION AND BOARD'S  
FINAL ORDER

It was moved by Chair Denis, seconded by Vice-Chair Inouye, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision in this matter, pursuant to Chapter 91, Hawaii Revised Statutes ("HRS"), Chair Denis announced that the Board was reconvene to its Chapter 92, HRS, meeting at 11:00 a.m.

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

Applications: A. Oral Interview of Licensure

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

Executive Session: At 11:03 a.m., it was moved by Vice-Chair Inouye, seconded by Mr. Chu, 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 11:30 a.m., it was moved by Vice-Chair Inouye, seconded by Mr. Chu and unanimously carried to move out of executive session.

1. Security Guard

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

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

- (i) Cecilia A.K. McGuinn (GD)  
Khalsa Security USA (GDA)

B. Guard Employees

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

With a motion by Vice Chair Inouye, seconded by Chair Denis, it was voted on and unanimously carried to conditionally approve the following Guard Employee registrations subject to the following conditions:

- Krishawn Chock
  - Carlos Duclayan
  - Deann Rederos
1. The applicants shall comply with all the terms and conditions of their parole/probation. If his/her parole/probation is amended in any way or is revoked:
    - a. Applicants shall report any such amendment or revocation to the Board within thirty (30) calendar days of the amendment or revocation; and
    - b. Upon completion of his/her terms, please submit proof of discharge to the Board; and
    - c. If the applicants fail to timely notify the Board of such amendment or revocation, this conditional registration shall be automatically revoked without a hearing on the 30<sup>th</sup> day after the date of the amendment or the date his/her probation/parole was revoked, as applicable;
  2. The applicants shall submit an annual FBI national criminal history record check and State of Hawaii criminal history record check from the Hawaii Criminal Justice Data Center (“**criminal abstracts**”) to the Board.

- a. These criminal abstracts shall be due on January 31 of each year and shall cover the periods of January to December.
  - b. In order to obtain these criminal abstracts, the applicants shall be fingerprinted electronically at Fieldprint Inc. at their own cost and expense, and
3. The applicants shall refrain from any actions that may result in their arrest or conviction for any crimes against persons or property (including but not limited to theft, burglary, assault, etc.) or any other act that is directly related to the guard profession.
- a. The applicants shall report any such arrests or convictions to the Board within thirty (30) calendar days of the arrests or convictions, and
  - b. If the applicants fail to timely notify the Board of such arrests or convictions, this conditional registration shall be automatically revoked without a hearing on the 30<sup>th</sup> day after the date of the arrests or convictions.

C. Waiver of Oral Interview

1. Security Guard

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

It was moved by Vice-Chair Inouye, seconded by the Mr. Collins, and voted on and unanimously carried to approve the following waiver of oral interview:

- i. Bronson Bautista (GD-1148)  
Kauai Overwatch Initiative, LLC  
(Sole Proprietor to Sole Member LLC)

D. Guard Instructor Ratification

It was moved by Chief Ferreira, seconded by Vice-Chair Inouye and voted on and unanimously carried to approve the following guard instructor ratification list:

1. Lemoine Dawson Jr.
2. Daoud Khaled Salameh
3. Clinton Henry Lewe-Song

E. Guard Employee Ratification

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

It was moved by Vice-Chair Inouye, seconded by Chair Denis and voted on and unanimously carried to ratify the approval of the guard employees assigned registration numbers GDE-27352 to GDE-27865.

Examination:

A. Review & Report

EO Fukunaga reported on the following examination results:

i. July 17, 2020 Security Guard Examination Results

Exams Administered	2
Successful	1
Unsuccessful	1

ii. August 20, 2020 Private Detective Examination Results

Exams Administered	1
Successful	0
Unsuccessful	1

iii. September 18, 2020 Security Guard Examination Results

Exams Administered	1
Successful	0
Unsuccessful	1

iv. September 18, 2020 Private Detective Examination Results

Exams Administered	1
Successful	0
Unsuccessful	1

v. October 16, 2020 Security Guard Examination Results

Exams Administered	2
Successful	1
Unsuccessful	1

ii. November 20, 2020 Security Guard Examination Results

Exams Administered	3
Successful	1
Unsuccessful	2

iii. November 20, 2020 Private Detective Examination Results

Exams Administered	1
Successful	0
Unsuccessful	1

iv. December 18, 2020 Security Guard Examination Results

Exams Administered	1
Successful	0
Unsuccessful	1

v. December 18, 2020 Private Detective Examination Results

Exams Administered	0
Successful	0
Unsuccessful	0

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

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

Chair Denis 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 Chair Denis, and voted on and unanimously carried to approve the following ratification list of curricula providers requesting to use remote technology:

1. United Courier Services, Inc.

B. Board Approved Guard Instructors Requesting to Use Remote Technologies Ratification

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

It was moved by the Mr. Collins, seconded by Chair Denis, and voted on and unanimously carried, to approve the following ratification list of instructors requesting to use remote technology:

1. Edward Howard

C. Uniform Review

Chair Denis 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 Chief Ferreira, and voted on and unanimously carried, to approve the following uniform submissions:

1. Pacific Courier, Inc.
2. Garden Island Security

Correspondence: A. Email Inquiry from Edward Chu dated January 21, 2021, regarding the COVID-19 Vaccination schedule for guards

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

Chair Denis reviewed Mr. Chu's email which asked whether it would be possible for the Board to petition the Department of Health or the Governor's Office to reclassify guards as phase 1b essential employees on the Hawaii COVID-19 Vaccination Plan.

Ms. Fukunaga stated that the Board does not have the jurisdiction to advocate on matters not related to licensure. Ms. Fukunaga suggested that the Board establish a position on the reclassification of guards on the vaccination schedule.

Mr. Collins commented that there may be justification for guards to be elevated up a tier on the vaccination schedule, due to the nature of the profession. Guards often come into close contact with the public. Mr. Collins stated that it would be in the best interest of the guard industry and the public for guards to be vaccinated earlier than what is currently scheduled. Mr. Collins



also acknowledged that he was not sure whether the Board had the standing to advocate for this and suggested that the Board contact the Attorney General's office for more direction.

Ms. Fukunaga stated that she will follow-up with administration to explore the best way for the Board to move forward with this request.

Chair Denis commented that there is a link on the Department of Health's website where employers can apply to have their employees vaccinated, if the employer feels that their employees meet the criteria of the current tier level. Chair Denis agreed with Ms. Fukunaga's suggestion that the Board should first, establish a position and then explore how best to inform the Department of Health or the Governor's Office, that the Board supports changing the tier level for guards. Chair Denis suggested that the Board could also reach out to employers in the industry to inform them on how to apply to have their employees vaccinated.

Vice-Chair Inouye suggested having the major employers in the guard industry present the tier movement request to the Department of Health. The Board could then take a position to support the request without having to actively advocate for the reclassification of guards.

It was the consensus of the Board to support any future initiatives or coalitions to reclassify guards as "Phase 1b Frontline essential workers" on the Hawaii COVID-19 Vaccination Plan.

Open Forum: Chair Denis asked if any members of the public would like to provide oral testimony. There were none.

Next Meeting: Wednesday, March 10, 2021  
10:30 a.m.  
Virtual Videoconference Meeting  
Zoom Webinar

Adjournment: There being no further business to discuss the meeting adjourned at 11:54 a.m.

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Reviewed and approved by:

Taken by:

/s/ Chelsea Fukunaga  
Chelsea Fukunaga  
Executive Officer

/s/ Kawehi Mau  
Kawehi Mau  
Secretary

2/05/21

- Minutes approved as is.  
 Minutes approved with changes; see minutes of \_\_\_\_\_