

## **Agenda**

### **SECURITY SERVICES LICENSING BOARD**

June 11, 2015-9:00 a.m.  
Room 402 - 4th Floor  
Heber M. Wells Building  
160 E. 300 S. Salt Lake City, Utah

*This agenda is subject to change up to 24 hours prior to the meeting.*

#### **ADMINISTRATIVE BUSINESS:**

1. Call Meeting to Order
2. Sign Travel Form
4. Approve Minutes for April 23, 2015
5. Nominations for Chair

#### **DISCUSSION ITEMS**

6. Tracy Naff, Compliance
7. Education Committee Recommendations for Approved Training Programs
8. Review of Federal Code and Mandatory Sanction Rule Change

#### **APPOINTMENTS**

9:10 Nicolas Cook, Probation Review

9:15 Olger Conejo, Probation Review

#### **NEXT SCHEDULED MEETING:**

August 13, 2015

**Note:** In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify, Carol Inglesby, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675.

**MINUTES**

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**UTAH  
Security Services Licensing Board  
MEETING**

**04/23/2015**

**Room 474 – 4th Floor – 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: A.M. 9:05**

**ADJOURNED: A.M. 10:51**

**Bureau Manager:**

Jana Johansen

**Board Secretary:**

Yvonne King

**Board Members Present:**

John Tinsley, Chair  
Sheriff Todd Richardson  
Jack Gardner  
Perry Rose  
Chief Gary Giles

**Board Members Absent**

Deborah Smith  
Keith Conley

**Guests:**

Joe Chapman, Utah Security Association  
Siamak Darvish, Probation Review  
Clayton Langston, Citadel-Chapman Security  
Robert Anderton, PACSCO  
Hannah Houston, Phone Interview  
Paul Nelson, Bedrock

**DOPL Staff Present:**

Tracy Naff, Compliance

**ADMINISTRATIVE BUSINESS:**

Approval of the February 26, 2015 Board Meeting Minutes:

Chief Giles seconded by Mr. Rose made a motion to approve the February 26, 2015 Board Meeting Minutes as written. The motion carried unanimously.

**DISCUSSION ITEMS:**

Tracy Naff, Compliance

Ms. Naff reviewed the probationary report with the Board.

Proposed Rule Changes

Ms. Johansen went through the proposed rule changes

which needed to be updated and statute changes that will be presented on the next legislative bill.

The Board asked if language could be drafted where an applicant or licensee who fails to report offenses would be added under unprofessional conduct. Mr. Walker stated that the Board could do that.

Mr. Gardner seconded by Mr. Rose made a motion to add language under R156-63a-502, defining applicants and licensees who fail to report any criminal offenses that are required to be reported as unprofessional conduct and to impose as a minimum sanction, suspension of licensure. The motion carried unanimously.

## **APPOINTMENTS:**

Siamak Darvish

Mr. Darvish appeared before the Board for his appointment. Ms. Naff stated that Mr. Darvish has been noncompliant with his probation due to the fact that he has not been completing his employer reports.

Mr. Tinsley asked Mr. Darvish if he would prefer to surrender his license rather than the Board initiating an Order to Show Cause. Mr. Darvish stated that he would rather not surrender his license.

Chief Giles seconded by Mr. Rose made motion to initiate an Order to Show Cause. The motion carried unanimously.

Hannah Houston,  
Phone interview

Ms. Houston appeared before the Board for her probationary review per phone interview. Ms Naff stated Ms. Houston was compliant with her probation. Ms. Houston noted that in her Memorandum it stated she must work full time in order for her to obtain credit for time served on her probation. The Board determined that they should make a change on the Memorandum to reduce Ms. Houston's hours from full time to 32 hours a week.

Mr. Rose seconded by Sheriff Richardson made a motion to reduce Ms. Houston's hours in her Memorandum from full time to 32 hours a week. The motion carried unanimously.

Citadel-Chapman Security-Clayton Langston

Mr. Langston appeared before the Board for his scheduled appointment. Mr. Langston is seeking to be the qualifying agent for Citadel-Chapman Security.

Chief Giles seconded by Mr. Gardner Made a motion to approve Mr. Langston as the new qualifying agent for Citadel-Chapman Security. Four members voted in favor. Mr. Rose opposed. Motion carried.

Open and Public Meeting Act

Mr. Walker stated that under the Open and Public Meetings Act, whenever there is discussion on Board issues it should not be discussed collectively with Board members outside the Board meetings.

Accidental Discharge of Weapons

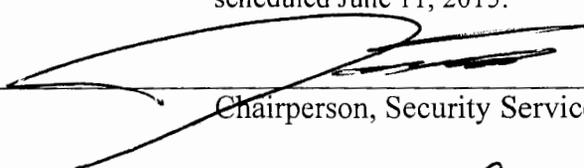
Robert Anderton stated that there was an issue where an accidental discharge with a weapon occurred recently with a security officer/company. Mr. Anderton wanted to know what could be proposed to require these situations to be reported to the Division.

Mr. Walker stated in these situations the Division would open up an investigation.

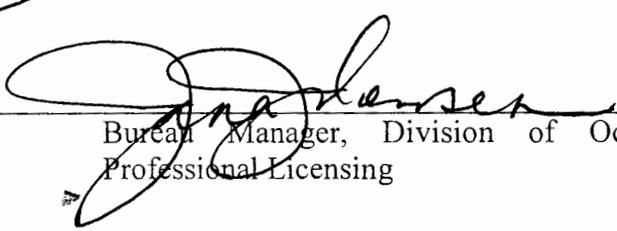
Mr. Walker also stated that the chair would need to designate an expert witness to assist in an investigation.

This will be an agenda item for our next Board meeting scheduled June 11, 2015.

6/11/15  
Date Approved

  
Chairperson, Security Services Licensing Board

6/11/15  
Date Approved

  
Bureau Manager, Division of Occupational & Professional Licensing

R156. Commerce, Occupational and Professional Licensing.

R156-63a. Security Personnel Licensing Act Contract Security Rule.

R156-63a-302f. Qualifications for Licensure - Good Moral Character - Disqualifying Convictions.

(1) In addition to those criminal convictions prohibiting licensure as set forth in Subsections 58-63-302(1)(h), (2)(c) and (3)(c), the following is a list of criminal convictions [which] that may disqualify a person from obtaining or holding an unarmed private security officer license, an armed private security officer license, or a contract security company license:

(a) crimes against a person as defined in Title 76, Chapter 5, Part 1;

(b) theft, including retail theft, as defined in Title 76;

(c) larceny;

(d) sex offenses as defined in Title 76, Chapter 5, Part 4;

(e) any offense involving controlled dangerous substances;

(f) fraud;

(g) extortion;

(h) treason;

(i) forgery;

(j) arson;

(k) kidnapping;

(l) perjury;

(m) conspiracy to commit any of the offenses listed herein;

(n) hijacking;

(o) burglary;

(p) escape from jail, prison, or custody;

(q) false or bogus checks;

(r) terrorist activities;

(s) desertion;

(t) pornography;

(u) two or more convictions for driving under the influence of alcohol within the last three years; and

(v) any attempt to commit any of the above offenses.

(2) An applicant for initial licensure or license renewal as an armed private security officer may not be licensed if the applicant is in violation of:

(a) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(b) Utah Code § 76-10-503(1); or

(c) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c).

(3)(a) Where the applicant is a contract security company, the background of the following individuals shall be considered:

(i) ~~[Where not automatically disqualified pursuant to Subsections 58-63-302(1)(a), (2)(c) and/or (3)(c), applications for licensure or renewal of licensure in which the applicant, or in the case of a contract security company, the] officers [ ];~~

(ii) directors [ ]; and

(iii) shareholders with 5% or more of the stock of the company [ ] has a criminal background].

(b) Criminal history and statutory violations that do not automatically disqualify an applicant under statute or rule shall be considered on a case[-]by[-]case basis as defined in Section

R156-1-302.

(4) An armed private security license shall be automatically revoked if the licensee is in violation of:

(a) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(b) Utah Code § 76-10-503(1); or

(c) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c).

**R156-63a-502. Unprofessional Conduct.**

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that a private security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

(2) employing an unarmed or armed private security officer, as an on-the-job trainee exempted from licensure pursuant to Section R156-63a-307, who has been convicted of:

(a) a felony;

(b) a misdemeanor crime of moral turpitude; or

(c) a crime that when considered with the duties and functions of an unarmed or armed private security officer by the Division and Board indicates that the best interests of the public are not served;

(3) employing an unarmed or armed private security officer who fails to meet the requirements of Section R156-63a-307;

(4) utilizing a vehicle whose markings, lighting, and/or signal devices imply or suggest that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6a-102(3) and Section 41-6a-310 and in Title R722, Chapter 340;

(5) utilizing a vehicle with an emergency lighting system which violates the requirements of Section 41-6a-1616 of the Utah Motor Vehicle Code;

(6) wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the unarmed or armed private security officer is connected with a federal, state, or municipal law enforcement agency;

(7) being incompetent or negligent as an unarmed private security officer, an armed private security officer or by a contract security company that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(8) failing as a contract security company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees to the extent that the public health and safety are at risk;

(9) failing to immediately notify the Division of the cancellation of the contract security company's insurance policy;

(10) failing as a contract security company or an armed or unarmed private security officer to report a criminal offense pursuant to Section R156-63a-613;

(11) pursuant to Subsection R156-63b-612(3), failing as a contract security company or an armed private security officer to report to the Division a violation of:

(a) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(b) Utah Code § 76-10-503(1); or

(c) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c); and

(~~11~~12) wearing an uniform, insignia, badge or displaying a license that would lead a reasonable person to believe that an individual is connected with a contract security company, when not employed as an armed or unarmed private security officer by a contract security company.

**R156-63a-503. Mandatory Sanctions - Administrative Penalties.**

(1) The license of a contract security company or an armed private security officer shall be suspended for a period of time determined by the Board if the licensee fails to report to the Division a violation of:

(a) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(b) Utah Code § 76-10-503(1); or

(c) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c).

(2) In accordance with Subsection 58-63-503, the following citation fine schedule shall apply to citations issued under Title 58, Chapter 63:

TABLE

FINE SCHEDULE

FIRST OFFENSE

Violation	Contract Security Company	Armed or Unarmed Security Officer
58-63-501(1)	\$ 800.00	N/A
58-63-501(4)	\$ 800.00	\$ 500.00

SECOND OFFENSE

58-63-501(1)	\$1,600.00	\$1,000.00
58-63-501(4)	\$1,600.00	\$1,000.00

(~~2~~3) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-63-503(3)(h)(iii).

(~~3~~4) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(~~4~~5) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(~~5~~6) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.

**R156-63a-607. Operating Standards - Criminal Status of Officer, Qualifying Agent, Director, Partner, Proprietor, Private Security Officer or Manager of Contract Security Companies.**

(1) This Subsection applies to any ~~[In the event an]~~ officer, qualifying agent, director, partner, proprietor, private security officer, or any management personnel having direct responsibility for managing operations of ~~[the]~~ a contract security company.

(2) A person identified in this Subsection (1) may not participate at any level or capacity in the management, operations, sales, ownership, or employment of a contract security company if the person ~~[has a conviction entered regarding]~~:

(a) has been convicted of:

(i) a felony;

~~[(b)]~~ (ii) a misdemeanor crime of moral turpitude; or

~~[(c)]~~ (iii) a crime that the Division and Board consider to constitute a risk to the public when considered with the functions and duties of an unarmed or armed private security officer ~~[by the Division and Board indicates that the best interests of the public are not served, the company shall within ten days of the conviction or notice reorganize and exclude said individual from participating at any level or capacity in the management, operations, sales, ownership, or employment of that company];~~ or

(b) has violated:

(i) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(ii) Utah Code § 76-10-503(1); or

(iii) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c).

(3) A contract security company shall:

(a) within 10 calendar days of occurrence, report to the Division any event contemplated in Subsection (2) that occurs in regard to a person identified in Subsection (1); and

(b) take appropriate steps to ensure that company operations comply with this Subsection (2).

**R156-63a-613. Operating Standards - Standards of Conduct.**

(1) Licensee employed by a contract security company ~~[+]~~.

(a) ~~[p]~~ Pursuant to Title 58, Chapter 63, a licensed armed or unarmed private security officer ~~[arrested, charged, or indicted for a criminal offense above the level of a Class C misdemeanor]~~ shall notify the licensee's employing contract security company within 72 hours of being:

(i) ~~[the]~~ arrested, charged, or indict~~[ment,]~~ed for any criminal offense above the level of a Class C misdemeanor; or

(ii) found in violation of:

(A) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(B) Utah Code § 76-10-503(1); or

(C) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c).

(b) ~~[w]~~ Within 72 hours after ~~[such]~~ receiving notification pursuant to this Subsection (1)(a) ~~[by the employee]~~, the employing contract security company shall notify the Division in writing of the arrest, charge, ~~[or]~~ indictment, or violation ~~[in writing; and]~~.

(c) ~~[t]~~The written notification required under this Subsection (1)(b) shall include:

- (i) the employee's name~~[r]~~;
- (ii) the name of the arresting agency, if applicable;
- (iii) the agency case number~~[r]~~ or similar case identifier;
- (iv) the date of the arrest, charge, indictment, or violation; and
- (v) the nature of the criminal offense or violation.

(2) Licensee not employed by a contract security company~~[+]~~.

(a) ~~[p]~~Pursuant to Title 58, Chapter 63, a licensed armed or unarmed private security officer who is not employed by a contract security company shall directly notify the Division in writing within 72 hours of ~~[any]~~being:

(i) arrested, charged, or indict~~ment~~ed for any crime above the level of a Class C misdemeanor; ~~[and] or~~

(ii) found in violation of:

(A) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(B) Utah Code § 76-10-503(1); or

(C) Utah Code § 58-63-302(1)(a), (2)(c), or (3)(c).

(b) ~~[t]~~The written notification required under this Subsection (2)(a) shall meet the requirements of Subsection (1)(c).

**KEY: licensing, security guards, private security officers**

**Date of Enactment or Last Substantive Amendment: ~~[November 24, 2014]~~ 2015**

**Notice of Continuation: September 9, 2013**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101**