



Alabama Security Regulatory Board
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MINUTES
Board Meeting
Thursday, May 12, 2016

A meeting of the Alabama Security Regulatory Board was called to order at 1:30 p.m. on Thursday, May 12, 2016 at its office located at 2777 Zelda Road, Montgomery, Alabama, in order to conduct business. The following Board members were in attendance: Mr. Kevin Murphy (Chair), Ms. Stephanie Ortel (Vice Chair), and Mr. Burke Swearingen, member. Board members not in attendance were Ms. Carol Dodgen. Also in attendance were Mr. Keith E. Warren (Executive Director), Mr. Cameron McEwen (Legal Counsel), Mr. Randy Barrows (Administrator), Mr. Mike James (Investigator) and Ms. Renee' Reames (Executive Secretary to Mr. Warren and recording secretary).

Public Notice of this regularly scheduled meeting was submitted to the Secretary of State's web site at www.sos.alabama.gov in accordance with the requirements of the Alabama Open Meetings Act, and advertised on the Board's web site.

The minutes from February 11, 2016 Board meeting were presented for the Board's approval. A copy of the minutes was provided to the Board members prior to the meeting for their review. Ms. Ortel made a motion to approve the February minutes as presented. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report (report on file in the official Book of Minutes), which included revenue, expenses and fund balance as May 5, 2016. He also reported on the number of company inspections that had been conducted and the total number of active licensees, certified trainers and companies, along with the number of consumer complaints received in 2015 and 2016.

Mr. Warren reviewed the Administrator's Report reporting on administrative activities performed in March and April, since the last Board meeting.

Mr. Warren also reported that the letter of recommendation concerning Mr. Murphy's reappointment had been submitted to the Governor for consideration. He also reported that the recommendation to fill the position held by Ms. Dodgen had been submitted to the Governor for consideration. Mr. Warren indicated that he would be following up with the individual Board members about their terms. He reported that Mr. Swearingen had been reappointed and his term would expire in 2018.

Mr. McEwen presented the Legal Counsel's Report to include four Consent Agreements. He presented the Consent Agreement concerning case 2016-005C, indicating that the Respondent had paid their fine, and he recommended approval of the Agreement as written. Mr. Swearingen made a motion to approve the Consent Agreement as presented. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. McEwen presented the Consent Agreement concerning case 2016-006C, indicating that the Respondent had paid their fine, and he recommended approval of the Agreement as written. Ms. Ortel made a motion to approve the Consent Agreement as presented. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Mr. McEwen presented the Consent Agreement concerning case 2016-008C, indicating that payment of the fine was pending, and he recommended approval of the Agreement as written. Mr. Swearingen made a motion to approve the Consent Agreement as presented. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. McEwen present the Consent Agreement concerning case 2016-05BR. The Board discussed the circumstances of the Respondent having been denied their license and had later applied for licensing through another employer and had cleared up his criminal background. The Board discussed the responsibility of the contracted-security companies to verify, with the Board, the licensing status of an individual being considered for employment. Mr. Swearingen made a motion to approve the Consent Agreement as presented. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. McEwen presented six Administrative Law Judge (ALJ) Recommendations for the Board's approval and recommended to the Board that the ALJ Recommendation be upheld in each of these cases.

Ms. Ortel made a motion to uphold the ALJ's Recommendation in the matter of Case 2015-028D to deny the license. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Mr. Swearingen made a motion to uphold the ALJ's Recommendation in the matter of Case 2016-001D to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Ms. Ortel made a motion to uphold the ALJ's Recommendation in the matter of Case 2016-002D to deny the license. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Mr. Swearingen made a motion to uphold the ALJ's Recommendation in the matter of Case 2016-003D to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Ms. Ortel made a motion to uphold the ALJ's Recommendation in the matter of Case 2016-005D to deny the license. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Mr. Swearingen made a motion to uphold the ALJ's Recommendation in the matter of Case 2016-007D to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. Murphy reported that the annual renewal of the Administrative Services contract was due. Mr. Warren reported that the contract was scheduled to expire July 31, 2016. Mr. Swearingen made the motion to approve the Administrative Services Contract with a 5% increase effective August 1, 2016 for one year. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. Warren reported that, as part of the inspection process, communications would begin with out-of-state contracted-security companies doing business in Alabama. Mr. James commented on the number of inspections performed. Expansion of the inspection process was discussed by the Board, along with verification of training. The Board also discussed including instruction-based training as part of the training hours rather than online training.

The Board discussed proposing legislative changes that would allow insurance requirements for contracted-security companies. Mr. Warren suggested that the Board begin the process of identifying items to propose changes in the law. The Board agreed that training would be added to the list of items. Mr. Murphy opened the floor for comments and there were no additional comments from the attendees.

Mr. Warren presented a special review of an application for licensure. He explained that the applicant was previously denied for licensure due to not disclosing their criminal history; an appeal hearing was held and a Final Order issued in April 2015 denying licensure. He reported that the applicant had reapplied in February 2016, with no disqualifying convictions and had disclosed all 13 criminal violations on their current application. Mr. Swearingen made the motion to deny the application for licensure (case 2016-001BR) as an unarmed Security Guard for behavior not suitable for licensure based on the following:

1. On or about April 20, 2015, applicant submitted her application for licensure as a security guard to the Board.
2. By letter dated July 14, 2015, applicant was advised by the Board of some discrepancies in processing her application and was advised that she could meet with a member of the Board's staff on July 29, 2015 to discuss the discrepancies and that her failure to meet on July 29, 2015 would result in denial of her application for licensure.
3. Applicant failed to meet with the Board's staff member on July 29, 2015 and by letter dated August 5, 2015, Douglas was advised of the denial of her application for licensure as a security guard.
4. On August 13, 2015, the Board received applicant's faxed correspondence requesting an appeal of the Board's denial.
5. By letter dated August 26, 2015, the Board notified the applicant that a formal hearing before the Board regarding the appeal of her denial for licensure was scheduled for October 6, 2015 at 11:00 a.m.

6. Applicant appeared at the October 6, 2015 appeal hearing, was represented by counsel and testified at the hearing. Section 5 of the Security Officer application asks whether you have ever been arrested or charged with any violation, including traffic citations and UCMJ violations, misdemeanor or felony. Applicant disclosed one arrest, but failed to list six (6) other arrests which occurred between 1998 and 2007. Applicant omitted material information from her application.
7. The Board upheld the Administrative Law Judge's opinion on November 19, 2015 and issued a Final Order dated November 23, 2015, denying licensure to applicant.
8. Applicant reapplied for licensure on February 10, 2016.
9. The Board is not comfortable in licensing her based upon the close proximity of the November 23, 2015 Final Order and behavior not suitable for licensure as evidenced in prior application and testimony.
10. Chapter § 832-X-1-.02(4)(b) of the Alabama Security Regulatory Board's Rules and Regulations: Applicant submitted information to the Board that is materially false.
11. Chapter § 832-X-1-.13(2)(b) of the Alabama Security Regulatory Board's Rules and Regulations: Applicant engaged in concealment of material fact in applying for a license with the Board; and
12. Chapter § 832-X-1-.13(2)(k) of the Alabama Security Regulatory Board's Rules and Regulations: any other reason as determined by the Board that a person is unsuitable for licensure by the Board.

The motion was seconded by Ms. Ortel and unanimously approved by the Board.

The next regularly scheduled meeting of the Board is August 11, 2016 at 1:30 p.m.

There was no further business and Mr. Swearingen made a motion to adjourn the meeting. The motion was seconded by Ms. Ortel and unanimously approved. Mr. Murphy adjourned the meeting at 2:49 p.m.

Respectfully Submitted,



Kevin Murphy
Chair



Keith E. Warren
Executive Director

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