



Alabama Security Regulatory Board
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MINUTES
Board Meeting
Thursday, February 12, 2015

A meeting of the Alabama Security Regulatory Board was called to order at 1:30 p.m. on Thursday, February 12, 2015 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), Mr. Burke Swearingen, Ms. Carol Dodgen and Mr. Sid Lockhart. Also in attendance were Mr. Keith E. Warren (Executive Director), Mr. Cameron McEwen (Board Counsel), Mr. Randy Barrows (Administrator), Mr. Mike James (Investigator) and Ms. Renee' Reames (Executive Secretary to Mr. Warren).

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, www.asrb.alabama.gov.

The minutes from November 20, 2014 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. Mr. Swearingen made a motion to dispense with the reading of the minutes and to approve the November minutes as presented. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report (report filed in the official Book of Minutes), which included revenue and expense totals and fund balance. He also reported on the total number of active licensees, certified trainers and companies, along with the number of consumer complaints received in FY 2015. Ms. Dodgen made a motion to accept the Executive Director report as present. The motion was seconded by Mr. Lockhart and unanimously approved by the Board.

Mr. Warren reported that the Sunset Committee had agreed to correct the problem identified in the last audit as it pertained to Admin. Code 34-27C-9, concerning assessing and collecting fees for Certified Trainers, and Mr. Warren reported that this would be accomplished in the form of a legislative bill.

Mr. Warren reported that the Legislature may consider again bring licensing Boards under one umbrella agency. It was the consensus of the Board that they were not in support of this action.

Mr. McEwen presented the Legal Counsel's Report and the Board discussed convening into an Executive Session if the good name and character of an individual was discussed. Mr.

McEwen presented the Administrative Law Judge (ALJ) recommendations regarding the following cases. A copy of the ALJ's recommendations was provided to the Board members for their review prior to the meeting. Mr. McEwen reported that a Final Order would be sent to these individuals based on the Board's decision in these matters. The Board had questions concerning cases 2014.27D, 2015.003D, 2015.002D, 2015.001D. The Board discussed educating the contract security companies regarding the importance of truthful disclosure on the applications and guards appearing at Board interviews to clarification discrepancies on their application and background checks.

Case 2015.001D – Ms. Ortel made the motion to deny the license in this case. The motion was seconded by Mr. Lockhart and unanimously approved by the Board.

Case 2015.002D – Mr. Swearingen made the motion to deny the license in this case.. The motion was seconded by Mr. Lockhart and unanimously approved by the Board.

Case 2015.003D – Ms. Ortel made the motion to grant the license in this case. The motion was seconded by Ms. Dodgen and approved by a majority vote.

Case 2014.014D – Ms. Dodgen made the motion to deny the license in this case. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Case 2014.020D – Mr. Lockhart made the motion to deny the license in this case. The motion was seconded by Ms. Dodgen and unanimously approved by the Board.

Case 2014.026D – Ms. Ortel made the motion to deny the license in this case. The motion was seconded by Ms. Dodgen and unanimously approved by the Board.

Case 2014.027D – Mr. Swearingen made the motion to deny the license in this case. The motion was seconded by Mr. Lockart and unanimously approved by the Board.

Mr. McEwen reported that he had spoken with a representative with the Department of Labor regarding companies issuing 1099 Forms to security guards. He reported that these guards should be W-2 employees and he recommended the Board notifying the contract security companies about this requirements. The Board discussed their jurisdiction concerning employer/employee relationships and filing fraudulent tax returns concerning employment, which could affect the companies' licenses. It was the consensus of the Board that notices would be sent to companies regarding W-2 employees and Mr. McEwen reported that any violations would be pursued through the complaint process.

Mr. Barrows inquired about the sexual offense rule and consideration to a conviction for soliciting prostitution. The Board reviewed the moral turpitude definition and Mr. Swearingen made a motion that conviction of soliciting prostitution was a disqualifying offense. The motion was seconded by Mr. Lockhart and approved by a three to one vote. Following further discussion, Mr. Swearingen made a motion to amend his motion to state that promoting prostitution would be treated as a sexual offense under the moral turpitude definition. The amended motion was seconded by Mr. Lockhart and approved by the majority of the Board with a three to one vote.

The Board discussed the Certified Trainer's (CT) qualifications. Mr. Murphy opened the floor to Mr. Byers, a licensed CT. He offered to develop the curriculum for the two-week training instructors' course in accordance with Admin. Code 34-27C-9(3). Some of the suggested topics included use of force, laws of arrest, legal authority of contract security companies and guards, how to write reports, techniques in teaching (train-the-trainer). The Board agreed to review the curriculum and asked Mr. Byers to submit a draft to the Executive Director, preferably before the next meeting, and a copy would be distributed to the Board members for their review.

The Board convened into Executive Session to discuss the good name and reputation regarding the denial of a license. The following roll call vote was recorded in favor of convening into Executive Session: Ms. Ortel, aye; Mr. Swearingen, aye; Ms. Dodgen, aye, and Mr. Lockhart, aye. Mr. McEwen agreed with the purpose of the Executive Session. Mr. Murphy convened the Executive Session at 3:24 p.m. for approximately 15 minutes.

Ms. Ortel made a motion to reconvene the business meeting at 3:36 p.m. The motion was seconded by Ms. Dodgen and unanimously approved.

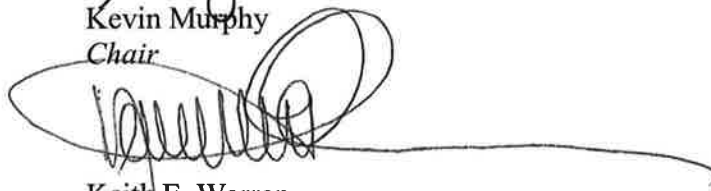
The next regularly scheduled meeting of the Board is May 7, 2015 at 1:30 p.m.

There was no further business and Mr. Murphy adjourned the meeting at 3:37 p.m.

Respectfully Submitted,



Kevin Murphy
Chair



Keith E. Warren
Executive Director

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