



Alabama Security Regulatory Board
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MINUTES
Board Meeting
Thursday, May 7, 2015

A meeting of the Alabama Security Regulatory Board was called to order at 1:00 p.m. on Thursday, May 7, 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, member, and Mr. Sid Lockhart, member. Board member not present was Ms. Carol Dodgen. 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.

Mr. Murphy introduced Judge Randy Salle' to preside over the Administrative Hearing. Judge Salle began the Administrative Hearing at 1:04 p.m. in the matter of Michael Zeilner, owner of MCZ Security Service. Mr. Zeilner appeared at the hearing and was without legal counsel. Following testimony by witnesses, Judge Salle' ordered a 5 minute break for the Respondent to obtain exhibits, and upon reconvening the hearing, a summation was given by Mr. Zeilner and the Board's attorney. The hearing concluded at 2:00 p.m.

The Board indicated its preference to render a decision immediately following the hearing and Mr. Murphy called an Executive Session of the Board for a duration of approximately 15 minutes. The following votes were recorded in favor of an Executive Session to discuss the general reputation and character of the Respondent: Ms. Ortel, aye; Mr. Swearingen, aye, and Mr. Lockhart, aye, and Mr. Murphy, aye. The Board's attorney agreed with Board's motion to go into Executive Session to discuss the general reputation and character of Mr. Zeilner. All non-members of the Board were dismissed when the Executive Session began 2:18 p.m. and the Executive Session ended at 2:31 p.m.

Mr. Murphy called a 5 minute break at 2:31 p.m. and reconvened the meeting at 2:38 p.m.

Mr. Murphy reported that the Board had deliberated in the matter of Mr. Zeilner and called for a motion. Ms. Ortel made the motion to suspend the contract security company license issued by MCZ Security Service, License #122, for a period of 24 months and to assess a fine of \$2,000 in violation of employing unlicensed security guards as required under Section 34-27C-1, Code of Ala., 1975. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Having heard the motion, Judge Salle' indicated that he would prepare the Final Order for Mr. Murphy's signature and left the meeting at 2:39 p.m. The Board's attorney, Mr. McEwen, explained that the Respondent may appeal the decision within 30 days of the Final Order to the Montgomery County Circuit Court.

The minutes from February 12, 2015 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. Lockhart made a motion to dispense with the reading of the minutes and 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 filed in the official Book of Minutes), which included revenue and expense totals and fund balance as of April 30, 2015. 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. Ortel made a motion to accept the Executive Director report as present. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Mr. Warren reported that the Sunset legislation had passed and he provided a copy of the Bill to the Board for their review concerning the authority to access and collect fees for Certified Trainers.

Mr. McEwen presented the Legal Counsel's Report, which included a consent agreement signed by Edna Coston, who had not applied to the Board within 30 days of employment as a security guard, as required per Section 34-27C-1, Code of Ala., 1975. Ms. Ortel made the motion to accept the Consent Agreement as presented. The motion was seconded by Mr. Lockhart and unanimously approved by the Board.

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.

Case 2014.04D – Mr. Lockhart made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Case 2014.022D – Ms. Ortel made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Mr. Swearingen and unanimously approved by the Board.

Case 2014.024D – Mr. Lockhart made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Case 2014.025D – Mr. Swearingen made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Case 2015.005D – Mr. Lockhart made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Case 2015.006D – Ms. Ortel made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Mr. Lockhart and unanimously approved by the Board.

Case 2015.008D – Mr. Swearingen made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Mr. Lockhart and unanimously approved by the Board.

Case 2015.010D – Mr. Lockhart made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. McEwen reported that a Final Order would be draft by the Legal Assistant for Mr. Murphy's signature.

Mr. Warren presented a revision to the Board's Rules for the definition of moral turpitude. Mr. Swearingen made the motion to accept the proposed change to the Admn. Code 832-X-1.01(5) to read “,including solicitation of prostitution.” The motion was seconded by Ms. Ortel and unanimously approved by the Board. Mr. McEwen stated that this inclusion would make the act a disqualifying offense.

Mr. Murphy reported that the Board had received prior to the meeting a draft of a curriculum for the two-week certified trainer course. This course curriculum was presented by Mr. Byers. Mr. Byers indicated that in addition to the course outline emphasizing on how to teach, he had a second course outline on teaching security subjects (topics). The Board agreed to defer this matter to the next Board meeting and asked the Executive Director to distribute the two curricula to the Board: (1) emphasizing on how to teach and (2) emphasizing security subjects.

The next regularly scheduled meeting of the Board is July 8, 2015 at 1:30 p.m.

There was no further business and Mr. Murphy adjourned the meeting at 3:00 p.m.

Respectfully Submitted,



Kevin Murphy
Chair



Keith E. Warren
Executive Director

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