



Alabama Security Regulatory Board
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MINUTES
Board Meeting
Thursday, January 12, 2017

The Alabama Security Regulatory Board met on Thursday, January 12, 2017 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), Ms. Debra Davis (member) and Sheriff Ben Bates (member). 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 serving as recording secretary). The meeting was called to order at 1:33 p.m. by Mr. Murphy, Board Chair.

The meeting was advertised on the Board's web site, www.asrb.alabama.gov, and the Secretary of State's website, www.sos.alabama.gov, in accordance with requirements of the Alabama Open Meetings Act.

The minutes from November 10, 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. Davis made a motion to approve the November minutes as presented. The motion was seconded by Sheriff Bates 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 financial information as of December 31, 2016, along with information on the total number of active licensees and the total number of consumer complaints. Also reported were the number of company inspections conducted during FY 2016.

Mr. Warren presented the Administrator's Report on activities performed by staff since the last Board meeting (report on file in the official Book of Minutes).

Mr. McEwen presented the Legal Counsel's Report to include two (2) Consent Agreements for the Board's approval. He presented the Consent Agreement concerning Case 2016-026C, and reported that the Respondent had paid their \$2,500 fine and would serve a one-year probationary period. Mr. McEwen recommended approval of the Consent Agreement as written. Mr. Swearingen made a motion to approve the Consent Agreement concerning Case 2016-026C as presented. The motion was seconded by Ms. Davis and unanimously approved by the Board.

Mr. McEwen present the Consent Agreement concerning Case 2017-005C, and reported that the Respondent was notified to cease and desist providing services until properly licensed and was assessed a \$1,000 fine. He reported that the Respondent had not paid their fine, pending the Board's approval. Ms. Ortel made a motion to approve the Consent Agreement concerning Case 2017-005C as presented. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

Mr. McEwen presented six (6) Administrative Law Judge (ALJ) recommendations for the Board's consideration. A copy of the ALJ's recommendations were provided to the Board members for their review prior to the meeting. Following a review and discussion of the following cases:

Case 2016.019D – 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 2016.022D – Sheriff Bates made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Davis and unanimously approved by the Board.

Case 2017.001D – Ms. Davis made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

Case 20167.002D – Mr. Swearingen made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

Case 2016.005D – Ms. Ortel made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

Case 2017.006D – Mr. Swearingen made the motion to accept the ALJ recommendation to deny the license. The motion was seconded by Ms. Davis and unanimously approved by the Board.

Mr. McEwen reported that a Final Order would be sent to each of these individuals based on the Board's decision in these matters.

Mr. Warren presented Rule 832-X-1-.08(11)(c) Firearms: Shotgun Qualifications Course, for final adoption. Mr. Warren reported that he had not received any recommendations from the public prior to the meeting concerning the published Rule. Mr. Murphy called for comments from the floor and there were no recommendations. Mr. Swearingen made a motion to approve Rule 832-X-.08(11)(c) as Final Rule. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. Warren presented Rule 832-X-1-.08(12)(e) Firearms: Rifle Qualification Course, for final adoption. Mr. Warren reported that he had not received any recommendations on this Rule from the public prior to the meeting. Mr. Murphy called for comments from the floor and there were no recommendations. Ms. Ortel made a motion to approve Rule 832-X-.08(12)(e) as Final Rule. The motion was seconded by Ms. Davis and unanimously approved by the Board.

The Board unanimously agreed that Rule 832-X-1-.08(13) be consistent with 832-X-1-.08(2)(a) and Mr. Warren will present changes to section (13) at the next Board meeting.

Mr. Warren present Rule, 832-X-1-.12 License Renewals, for final adoption, which establishing a lapsed time between renewals. Mr. Warren reported that there were no recommendations from the public prior to the meeting concerning this Rule. Mr. Murphy called for comments from the floor and there were no recommendations. Mr. Swearingen made a motion to approve the new Rule 832-X-1-.12 as Final Rule. The motion was seconded by Ms. Ortel and unanimously approved by the Board.

Mr. Warren present Rule 832-X-1-.10 Fees for final adoption. Mr. Warren reported that there were no recommendations on this Rule prior to the meeting from the public. Mr. Murphy called for comments from the floor and there were no recommendations. Ms. Davis made a motion to approve Rule 832-X-1-.10 as Final Rule. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

Mr. McEwen presented proposed changes to the statute:

34-27C-3(a)(14) – Change to the Law

To inspect the business premises of any licensee during normal business hours. The inspection of a licensed and/or unlicensed contract security company shall include, but not be limited to, the inspection of licensure compliance, personnel records, and training records.

34-27C-3(a)(15) – Add to the Law

To hold hearings, conduct investigations, subpoena witnesses, subpoena documents, administer oaths, and take testimony in order to carry out this chapter.

34-27C-3(c) – Add to the Law

The members of the board shall receive up to three hundred dollars (\$300) per day with a limit of 12 days per year while performing their official duties, in addition to the same per diem and mileage as provided to state employees.

34-27C-7(g) – Add to the Law

Both unarmed and armed security officers who make application to the board under subsection (a) and (b) as well as the contract security company who employs said unarmed or armed security officers who make application to the Board under subsection (a) and (b) shall be in violation of this chapter if the requirements of subsections (a) and (b) are violated.

34-27C-8(e) – Change to the Law

The minimum training standards are to be set by the board and can be changed at the board's discretion. The minimum training standards are in addition to any qualifications required by an employing contract security company. The Board agreed to flexibility in adjusting training hours and referenced Rule 832-X-1-.08(1)(a). Ms. Ortel made the motion to authorize the Board's Legal Counsel to review the training regulation, Chapter 8, and circulate to the Board the proposed law that will be presented to the legislature. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

34-27C-13 – Change to the Law

Unless otherwise provided herein, violation of any part of this chapter shall be a Class A misdemeanor and shall be punishable as such under the laws of Alabama.

If administrative action is taken against a licensee, a violation of this chapter shall be punishable by a fine of not less than seventy-five dollars (\$75) nor more than two thousand dollars (\$2,000) per violation and may result in the revocation or suspension of the license or certification, or both, of the violator. The board shall also have the power to place a violator of the chapter on probation.

Ms. Ortel made the motion to approve these changes as proposed legislative changes to the Board's statute, with exception to Chapter 8, which the Board's Legal Counsel will address separately. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

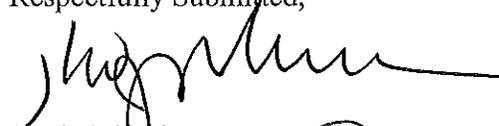
Mr. Warren indicated that he would discuss changes in the Board's statute with members of the Legislature to acquire sponsors of this legislative bill.

Mr. Swearingen suggested that the Board consider investing the Board's funds back into the community e.g., sponsoring training and other needs. Mr. Warren reviewed with the Board members the RFP process to purchase presenter services and similar vendors. The Board discussed soliciting ideas from licensed Qualifying Agents and contact persons with licensed Contract-Security Companies via mass emails.

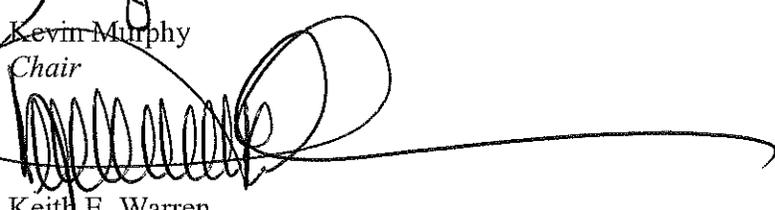
The next meeting of the Alabama Security Regulatory Board is scheduled to meeting on Thursday, May 11, 2017 at 1:30 p.m.

There was no further business and Ms. Davis made a motion to adjourn the meeting. The motion was seconded by Sheriff Bates, and Mr. Murphy adjourned the meeting at 2:55 p.m.

Respectfully Submitted,



Kevin Murphy
Chair



Keith E. Warren
Executive Director

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