



Alabama Security Regulatory Board

2777 Zelda Road

Montgomery, AL 36106

(334) 269-9990

Fax (334) 263-6115

www.asrb.alabama.gov

MINUTES

Board Meeting

Thursday, February 7, 2019

The Alabama Security Regulatory Board met on Thursday, February 7, 2019, at its office located at 2777 Zelda Road, Montgomery, Alabama, 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 Warren (Executive Director), Mr. Cameron McEwen (General Counsel), Mr. Mike James (Investigator), Ms. Jennifer Love (Legal Assistant) and Ms. Renee' Reames (recording secretary). The meeting was called to order at 1:31 p.m. by Mr. Murphy, Board Chair.

The scheduled Board 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.

Chairman Murphy introduced Mr. Randy Salle', Administrative Law Judge, presiding over the hearing for Anthony L. Winston. Judge Salle' commented on the purpose of the hearing and indicated that Mr. Winston failed to appear for the hearing along with no legal representative present. Judge Salle' preceded with the Administrative hearing. Following testimony by witnesses called by the Board attorney, Mr. McEwen, recommended revocation of Mr. Winston's security guard license. Judge Salle' asked the Board about preparing an ALJ recommendation in this matter or if the Board would like to make a decision concerning Mr. McEwen's recommendation to revoke Mr. Winston's license. Ms. Ortel made the motion that the Board adjourn into Executive Session for approximately 5 minutes to discuss character of the licensee and disposition of his license. The motion was seconded by Sheriff Bates and Chairman Murphy called for a roll call vote: Ms. Ortel, aye; Mr. Swearingen, aye; Ms. Davis, aye and Sheriff Bates, aye and the motion was unanimously approved by the Board. Mr. McEwen concurred with the purpose of the Executive Session and Chairman Murphy recessed into Executive Session at 1:52 p.m.

Mr. Murphy reconvened the Board's business meeting at 1:58 p.m.

Mr. Swearingen made a motion to revoke the license of Mr. Winston. The motion was seconded by Ms. Ortel and unanimously approved by the Board. Chairman Murphy thanked Judge Salle' for presiding over the hearing.

Chairman Murphy recessed the Board meeting at 2:00 p.m. for a 5-minute break.

Chairman Murphy reconvened the Board meeting at 2:05 p.m.

Chairman Murphy presented, for the Board's approval, the minutes from the October 11, 2018 regular Board meeting and January 24, 2019 called/special Board meeting. Copies of the meeting minutes were provided to the Board members prior to the meeting for their review. Ms. Ortel made a motion to approve both the October and January 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) for the period ending December 31, 2018. He also reported on the total number of active licensees and pending licenses, the number of company inspections conducted, and the number of consumer complaints received in FY 2018 and FY 2019.

Mr. Warren presented the Administrator's Report listing activities performed by the staff since the last Board meeting, which included information on the number of applications processed, incomplete applications returned to applicants and licenses issued, etc. (report on file in the official Book of Minutes).

Ms. Ortel made a motion to approve the financial report as presented. The motion was seconded by Ms. Davis and unanimously approved by the Board.

Mr. McEwen presented the Legal Counsel report which included three Consent Orders for the Board's approval.

- Case 2018-016C – Mr. McEwen reported that company did not have security guards licensed within a timely manner and within 30 days of initial employment with the company. He recommended a fine of \$2500 assessed and payable within 30 days of the effective date of this agreement and a probationary period of one year.
- Case 2018-018BR – Mr. McEwen reported that the company was unlicensed and while doing business, did not have security guards licensed within a timely manner and within 30 days of initial employment with the company. He recommended the company cease and desist until properly licensed, a fine of \$2000 assessed and payable within 30 days of the effective date of this agreement and a probationary period of one year.
- Case 2019-003CC – Mr. McEwen reported that during an inspection of the company, the company refused to cooperate and did not possess an active company license with the Board. He explained that the company license had expired and recommended that the company cease and desist until properly licensed, a fine of \$2000 assessed and payable within 30 days of the effective date of this agreement and a one-year probationary period.

The Board agreed that repeat offenders, with three occurrences, would come before the Board. Mr. Swearingen made the motion to approve Mr. McEwen's recommendation concerning the three Consent Agreements presented to the Board. The motion was seconded by Ms. Davis and unanimously approved by the Board.

Mr. Warren introduced Mr. John Fay, owner of Learning Shop USA, to discuss his online training program previously approved by the Board and Mr. Fay presented documents he had prepared for the Board's review. He asked the Board to reconsider denial of his online

training program. Following further discuss of the Board's training standard, Mr. Fay requested that the Board allow credited hours for those guards who had taken his course and those who were currently enrolled. Mr. Warren recommended that (1) Mr. Fay provide a list of licensees who had previously and were currently enrolled in his course, (2) the company stop taking new enrollees toward licensure with this Board, (3) the Board establish a cut-off training date since the training program was previously Board-approved and (4) the Board set criteria and standards for online training. Mr. Swearingen made the motion to accept the training credits of current enrollee in the online training offered by Learning Shop USA. The motion was seconded by Sheriff Bates and unanimously approved by the Board.

The Board discussed with Mr. Fay about recommendations for online training standards. Mr. Ridenhour commented on supplemental online training provided to guards employed by his company, DSI, and offered assistance in recommending online training standards.

Mr. Warren reported that election of Board officers was due. Mr. Swearingen made the motion that the current officers remain the same: Mr. Murphy as Board Chair and Ms. Stephanie Ortel as Board Vice Chair. The motion was seconded by Ms. Davis and unanimously approved by the Board. Mr. Murphy thanked the members for their vote of confidence.

Mr. Warren reported that Board training was scheduled March 1st at the State Capitol auditorium in Montgomery and encouraged the members to attend. He indicated that additional information would be provided to them about the program.

Chairman Murphy reported that the Ethics Commission was notifying members of state boards about failure to complete a Statement of Economic Interest and the Ethics Commission was taking other legal steps to ensure compliance in filing a Statement of Economic Interest.

There were no further business of the Board and Mr. Swearingen made a motion to adjourn the meeting. The motion was seconded by Ms. Ortel and unanimously approved by the Board. Chairman Murphy adjourned the meeting at 3:05 p.m.

Respectfully Submitted,



Kevin Murphy
Chair



Keith E. Warren
Executive Director

/rr