

MINUTES
BOARD OF EXAMINERS
OF PRIVATE INVESTIGATORS
AND PRIVATE SECURITY AGENCIES
HEARINGS/MEETING
FRIDAY
JANUARY 13, 2017
9:30 A.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Col. Hudson called the meeting to order at 0936 hours and subsequently turned the meeting over to Ms. Anderson. The meeting is recorded and the Professional Licensing Section will maintain the records.

Ms. Anderson asked everyone to introduce themselves around the table.

The following members of the Board of Examiners were in attendance:

Lieutenant Colonel Monroe B. Hudson, Jr.
Director Robert J. Irwin
William G. Bush, IV, Esquire
Mrs. Sandra C. Taylor
Mr. Mark W. Rainford
Mr. Wayne A. Keller
Mr. Harvey A. Woods, III

The following members of the Board of Examiners were absent:

Ms. Kelly R. Jansen

The following staff members were in attendance:

Rae Mims, Esquire – Deputy Attorney General
Lieutenant Kerry B. Reinbold – Professional Licensing
Ms. Peggy L. Anderson – Professional Licensing
Mrs. Megan C. Bingham – Professional Licensing
Ms. Courtney F. Rutkowski – Professional Licensing

The following staff members were absent:

Captain S. Benjamin Parsons – State Bureau of Identification
Sergeant Matthew M. Zolper – Professional Licensing
Mr. Michael Terranova – DTCC Representative

The following individuals were also in attendance:

Deputy Director Rob Kracyla

II. Review and Acceptance of Meeting Minutes

A. October 31, 2016

Mr. Irwin, with a second by Mr. Keller, made a motion to approve the minutes from 10/31/16 meeting as presented. The motion was carried.

III. Appeal Hearings & Other Actions

A. Notice of Intent to Revoke

1. Trevor A. Bailey

Ms. Anderson presented the background on Mr. Bailey as follows:

- 04/13/16 – Certified/first class notification of emergency suspension sent
 - 02/15/16 – Possession of Marijuana
 - 02/15/16 – Carrying a Concealed Deadly Weapon
 - 09/26/16 – Case Review – Guilty of disqualifier
- 10/19/16 – Certified/first class notification of intent to revoke sent
- 10/28/16 – Certified notification returned – Attempted not known
- 11/19/16 – Deadline for hearing request – none received

Mr. Rainford, with a second by Mr. Woods, made a motion to revoke Mr. Bailey's security guard identification card. The motion was carried.

2. Nicholas W. Datri

Ms. Anderson presented the background on Mr. Datri as follows:

- 03/21/16 – Certified/first class notification of emergency suspension sent
 - 09/08/15:
 - Assault third degree
 - Possession of Drug Paraphernalia
 - Possess Consume a Controlled Substance
 - Theft under \$1500
 - Unlawful Imprisonment Second

- Possess Purchase own or Control a Deadly Weapon
- Possession of a Firearm during the Commission of a Felony
- Aggravated Menacing
 - 09/26/16 – Case Review – Guilty of 2 disqualifiers
- 10/19/16 – Certified/first class notification of intent to revoke sent
- 11/16/16 – Certified notification returned – unclaimed – no green card attached
- 11/19/16 – Deadline of hearing request – none received
- 11/29/16 – Green card received – scribble where signature goes

Mr. Irwin, with a second by Mr. Keller, made a motion to revoke Mr. Datri's security guard identification card. The motion was carried.

3. Torren M. McCarthy

Ms. Anderson presented the background on Mr. McCarthy as follows:

- 06/26/14 – Processed for security guard
- 07/05/16 – Quarterly arrest report revealed pending charges:
 - 04/20/16 – All Felonies
 - Conspiracy Second Degree
 - CCDW
 - Possession of Firearm During Felony
 - Possess a controlled substance
 - Wearing Body Armor During Felony
 - Manufactures, delivers, or PWI to Deliver
- 07/11/16 – Certified/first class notification of emergency suspension sent
- 07/22/16 – Green card signed for
- 08/10/16 – Case Review – Guilty of 3 disqualifiers
- 08/11/16 – Deadline for hearing request – none received
- 10/21/16 – Certified/first class notification of intent to revoke sent
- 11/01/16 – Green card signed for
- 11/21/16 – Deadline for hearing request – none received

Mr. Bush, with a second by Mr. Irwin, made a motion to revoke Mr. McCarthy's security guard identification card. The motion was carried.

4. Kendra B. Sturgis

Ms. Anderson presented the background on Ms. Sturgis as follows:

- 08/26/13 – Processed application for security guard
- 10/03/16 – Quarterly arrest report revealed guilty charges:
 - 08/12/16 – Felony reduced to misdemeanor
 - Theft < \$1500
- 10/20/16 – Certified/first class notification of intent to revoke sent

- 11/20/16 – Deadline for hearing request – none received
- 11/23/16 – Certified notification returned - unclaimed

Mr. Irwin, with a second by Mrs. Taylor, made a motion to revoke Ms. Sturgis' security guard identification card. The motion was carried.

5. Maurice Q. Toles

Ms. Anderson presented the background on Mr. Toles as follows:

- 01/22/16:
 - Sexual Abuse of a Child – 4 counts
 - USC with person who is <13 years old – 4 counts
 - Continuous Sexual Abuse of a Child
 - 09/19/16 – Case Review – Guilty 1 disqualifier on 08/02/16
- 10/19/16 – Certified/first class notification of intent to revoke sent
- 10/28/16 – Certified notification returned – not deliverable as addressed
- 11/10/16 – First class notification returned – not deliverable as addressed
- 11/19/16 – Deadline for hearing request – none received

Mr. Irwin, with a second by Mr. Woods, made a motion to revoke Mr. Toles' security guard identification card. The motion was carried.

B. Updates from Previous Board Actions

Ms. Anderson presented updates on the following individuals.

1. Donald A. Rocco, II
 - Aggravated Menacing – 2 counts
 - Possession of a Firearm During the Commission of a Felony
 - No Dispos
 - 02/12/16 – Attorney General Case Intake
 - 12/06/16 – Guilty of non-prohibitors – Administratively reinstated
2. Sheena J. Chandler
 - 04/03/14 – Endangering the Welfare of a Child Intentionally Knowingly Recklessly
 - 05/19/14 – Nolle Prosequi
 - 04/03/14 – Child Abuse 3rd recklessly intentionally cause physical
 - 05/19/14 – Probation Before Judgment
 - Complete Parenting Class
 - Complete Anger Management Class
 - 12 Months
 - 12/19/14 – PBJ – Discharged – Administratively reinstated

Ms. Anderson presented B.1.-2 for informational purposes only. No vote necessary.

IV. Licensures

Ms. Anderson presented the following agencies for approval. Mrs. Bingham has assured that all licensures, renewals, approvals and changes in Item IV have met all the statutory requirements for Delaware Code Title 24 Chapter 13 and the Rules & Regulations and have provided same to the Professional Licensing Section. All renewals with no changes have been administratively approved for renewal licensure and are presented as FYI only.

- A. Class A – Private Investigative Agency – *Renewals - FYI*
 - 1. Aaron Investigations
 - 2. Commercial Index Bureau, Inc.
 - 3. Endeavor Investigations
 - 4. Investigative Response Group
 - 5. J. F. Goetz & Associates, LLC
 - 6. NEFCO Fire Investigations
 - 7. The Firepoint Group, LLC

Ms. Anderson presented A.1-7 as informational purposes only for renewals with no changes. No vote necessary.

- B. Class A – Private Investigative Agency – *Renewals w/Changes*
 - 1. Sedgwick Factual Photo, Inc.
 - a. Sedgwick SIU, Inc.

Mr. Bush, with a second by Mr. Irwin, made a motion to approve B.1 as presented for renewal with the noted change. The motion was carried.

- C. Class A – Private Investigative Agency – *New*
 - 1. Gittings Protective Security, Inc.
 - a. License Holder – Dean H. Gittings
 - b. Delaware Manager – Dean H. Gittings
 - 2. Iunlimited Incorporated
 - a. License Holder – Todd Tano
 - b. Delaware Manager – Todd Tano
 - 3. Sumuri LLC
 - a. License Holder – Steven A. Whalen
 - b. Delaware Manager – Steven A. Whalen

Ms. Anderson noted that C.3 should be an in-state agency, License Holder only.

Mr. Irwin, with a second by Mr. Rainford, made a motion to approve C.1-3 as presented for new licensure with the noted change. The motion was carried.

- D. Class A – Private Investigative Agency – *Resignations/Non-Renewals*
1. Unified Investigations & Sciences, Inc.
 - a. Delaware Manager – Paul Gemmato

Ms. Anderson presented D.1 as informational purposes only for resignations/non-renewals. No vote necessary

- E. Class B – Private Security Agency – *Renewals - FYI*
1. Admiral Security Services, A Division of Red Coats
 2. Champion National Security, Inc.
 3. Dunbar Guard Services, Inc.
 4. Whelan Security Mid Atlantic, LLC

Ms. Anderson presented E.1.-4 as informational purposes only for renewals with no changes. No vote necessary.

- F. Class B – Private Security Agency – *New*
1. American Security Programs, Inc.
 - a. License Holder – Eric A. Pohland
 - b. Delaware Manager – Joshua R. McMahon
 2. Qualls Security
 - a. License Holder – David W. Qualls
 - b. Delaware Manger – David W. Qualls
 3. National Cinema Security, Inc.
 - a. License Holder – Thomas DeLuca
 - b. Delaware Manager – Thomas DeLuca

Mr. Woods, with a second by Mr. Irwin, made a motion to approve F.1.-3 as presented for new licensure. The motion was carried.

- G. Class B – Private Security Agency – *Changes*
1. NMS Security Services
 - a. License Holder – Stephen J. Smith
 - b. Delaware Manager – Stephen J. Smith

Mr. Bush, with a second by Mrs. Taylor, made a motion to approve G.1 as presented for the noted changes. The motion was carried.

- H. Class B – Private Security Agency – *Resignations/Non-Renewals*
1. NMS Security Services
 - a. License Holder – William L. Tandeske
 - b. Delaware Manager – Antonio DeMarco

Ms. Anderson presented H.1 as informational purposes only for resignations/non-renewals. No vote necessary

- I. Class C – Private Investigative & Private Security Agency – *Renewals - FYI*
1. FloydCorp Security Solutions, LLC
 2. Resort Investigations & Patrol
 3. Thomas Monahan Private Investigations

Ms. Anderson presented I.1.-3 as informational purposes only for renewals with no changes. No vote necessary.

- J. Class C – Private Investigative & Private Security Agency – *Changes*
1. Devereaux Security Services
 - a. Upgrade from Class A to Class C

Mr. Irwin, with a second by Mr. Bush, made a motion to approve J.1 as presented for the noted changes. The motion was carried.

- K. Class C – Private Investigative & Private Security Agency – *Issues*
1. McRoberts Protective Agency

Ms. Anderson presented the background on McRoberts Protective Agency as follows:

- Have not received renewal paperwork
- Has until 01/31/17 until license expires
- Consider non-renewal – FYI

Ms. Anderson presented K.1 as informational purposes only for issue/non-renewal unless the renewal application is presented before 01/31/17. No vote necessary.

- L. Rule 10.0 – Uniforms, Patches, Badges, Seals, Vehicular Markings
1. American Security Programs, Inc.
 - a. Patch
 - b. Uniform
 - c. Vehicle Markings
 - d. Business Card
 - e. Letterhead
 - f. Envelope
 2. Devereaux Security Services
 - a. Uniform
 - b. Patch
 - c. Website
 3. Gittings Protective Security, Inc.
 - a. Vehicle Markings
 - b. Business Card
 4. Iunlimited Incorporated
 - a. Website
 5. National Cinema Security, Inc.

- a. Logo
- b. Uniform
- 6. Qualls Security
 - a. Badge
 - b. Patch
 - c. Uniform
 - d. Business Card

Mr. Irwin, with a second by Mr. Bush, made a motion to approve L.1.-6, inclusive, as presented for approval. The motion was carried.

M. Approved Instructors

- 1. Issues
 - a. Howard Giles

Ms. Anderson explained Mr. Giles' issue is with the new requirement for handgun instructors to be law enforcement instructor certified. Mr. Giles was aware of the date of this meeting and that his information was being presented.

Ms. Mims asked what IALEFI is and what is taught/curriculum. Mr. Irwin is not familiar with this as overseeing the CCDW permits for the state.

Lt. Reinbold suggested that if the individual does not provide certification that is familiar with Staff, they will need to provide a syllabus and contact information for that entity. Mr. Kracyla stated that this is a well-known/reputable training entity but just like other entities there are many levels of certification. Mr. Woods stated that looking at their website they are very similar to the NRA.

After discussion, it was determined that Mr. Giles will need to provide a syllabus and the contact information from the entity that his training is from. This topic will be brought before this Board at the next meeting, providing the information is available.

V. Old Business

- A. Professional Licensing
 - 1. Rule 2.0 – Use of Rifle and Shotgun

Mr. Kracyla spoke regarding the discussion the Firearms Sub-Committee had on Monday on this Rule. The reason for the recommendation to rescind it is this rule was introduced post 9/11. There have been many changes since that time and there are provisions in place where this rule is not a necessity. This rule is strictly for the security guards.

After discussion, Mr. Woods, with a second by Mr. Irwin, made a motion to accept the Firearms Sub-Committee's recommendation to rescind Rule 2.0 – Use of Rifle and Shotgun. The motion was carried.

B. Board Members

The Board members did not have any old business at this time.

C. Lieutenant Colonel

Ms. Mims spoke about the law amendment for this industry. This is a new General Assembly along with a new Administration therefore we need to start over with the process. The two previous proposed amendments have now been combined into one and will be presented to the new Cabinet Secretary for approval. It will more than likely go through in March.

VIII. New Business

A. Professional Licensing

Professional Licensing did not have any new business at this time.

B. Board Members

The Board members did not have any new business at this time.

C. Lieutenant Colonel

Lt. Col. Hudson did not have any new business at this time.

IX. Public Comment (At the discretion of the Board Chair)

A. Donald K. Johnson

Lt. Reinbold asked everyone to review the handout that Ms. Anderson gave out. Mr. Johnson is an approved certified firearms instructors. A better idea of where the Professional Licensing Section stands with the red card audit will be available at the April Board Meeting.

The direction moving forward is to put the responsibility back to the agencies and not Professional Licensing on the responsibility of tracking the shoot sheets. As for the moon lighting with a red card, the new legislative changes will put that responsibility on the individuals and the agencies. This is just an FYI to the Board on how the changes will take place.

X. Adjournment

A. Next Hearing/Meeting

1. Monday, April 24, 2017 @ 09:30am

Mr. Irwin, with a second by Mrs. Taylor, made a motion to adjourn the meeting at 1023 hours. The motion was carried.