

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 29, 2011
4:05 p.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 110610, 110833 and 110834

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1
2 COUNCILWOMAN SANCHEZ: The
3 Committee on Licenses and Inspection will
4 begin its public hearing.

5 Will the Clerk read the title
6 of the first bill.

7 THE CLERK: Bill No. 110610, an
8 ordinance enacting a new Chapter 9-3600
9 of The Philadelphia Code, entitled
10 "Bouncers," to require that bouncers
11 employed at covered establishments be
12 registered and receive proper training,
13 to prohibit employers from employing
14 unregistered or untrained bouncers and to
15 permit employers to refuse to hire
16 bouncers with certain past criminal
17 convictions; all under certain terms and
18 conditions.

19 COUNCILWOMAN SANCHEZ: I will
20 recognize Councilmember Greenlee to open
21 up before we hear the testimony.

22 COUNCILMAN GREENLEE: Thank you
23 very much, Madam Chair. I'll be brief.
24 I know it's been a long day for a whole
25 lot of people.

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2 I introduced this bill based on
3 the many stories we heard about some, and
4 I underline "some," bouncers -- and I
5 know some people don't like that word,
6 but that's the word that's been used
7 generally in the industry -- that have,
8 let's just say, overreacted, to put it
9 mildly, in some circumstances.

10 In looking at other cities and
11 states, particularly Noelle Marconi, my
12 Legislative Director, and Steve Masters
13 of the technical staff, found that there
14 has been legislation put in to put some
15 reasonable training, some reasonable
16 instructions that these individuals have
17 to take, and it seems they have cut down
18 on the problems in these other cities and
19 states.

20 So in working with the
21 Administration -- and I want to thank
22 Brian Abernathy for working out the
23 various wording problems and issues that
24 we've had -- and working with the
25 industry, I think we've come up with a

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2 bill that is reasonable, that will
3 protect the public and also be fair to
4 businessowners. And you'll also a little
5 later see a very short video I think that
6 will illustrate quite clearly why a bill
7 like this is necessary. So I hope the
8 Committee sees fit to move it at the
9 proper time.

10 Thank you, Madam Chair.

11 COUNCILWOMAN SANCHEZ: Thank
12 you.

13 So we'll start with our first
14 witness, Mr. Abernathy.

15 MR. ABERNATHY: Good afternoon,
16 Councilwoman Sanchez and other members of
17 the Committee on Licenses and
18 Inspections. My name is Brian Abernathy,
19 Chief of Staff to the Managing Director.
20 I'm here to present testimony on the
21 proposed amendments to Bill No. 110610
22 and to answer any questions that you
23 have.

24 Bill No. 110610 regulates
25 bouncers, individuals whose primary

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function is to provide security at covered establishments, drinking establishments and special occupancy licensees. The bill is designed to reduce the number of incidences of bodily harm to customers caused by either overzealous or aggressive bouncers by requiring training and certification.

The proposed amendments to Bill No. 110610 prohibit covered establishments from employing individuals as bouncers unless that individual has completed a third-party training course approved by the City. The course must include training on how to identify problem patrons, individuals engaged in underage drinking, and false or fake identification. The course would also teach best practices regarding safe removal of problem patrons. Upon successful completion of the course, the bouncer receives certification from the training facility. The bouncer then must file a copy of the certification with the

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2 City.

3 Additionally, the proposed
4 amendments to Bill No. 110610 would also
5 require covered establishments to conduct
6 a criminal conviction background check of
7 an applicant for a bouncer position.

8 We'd like to thank the Councilman for
9 working to amend the language of this
10 requirement to meet with the
11 Administration's efforts to ensure
12 employment opportunities for
13 ex-offenders. The proposed amendment
14 would comport with the City's current law
15 regarding criminal background checks by
16 prohibiting such checks until after an
17 interview has already been conducted. We
18 believe this strikes a balance between
19 ensuring responsible hiring practices and
20 giving ex-offenders the opportunity to
21 have gainful employment.

22 The Administration is
23 supportive of the proposed amendments to
24 Bill No. 110610 and believes that the
25 main requirement of the bill,

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2 professional training for bouncers, will
3 make residents and visitors safer as they
4 enjoy the many establishments the City
5 has to offer. We'd also like to thank
6 the Councilman and his staff for working
7 with us to reach compromises on a number
8 of the bill's elements.

9 I'm happy to answer any
10 questions you may have at this time.

11 COUNCILWOMAN SANCHEZ: Thank
12 you.

13 Any questions from the
14 Committee?

15 (No response.)

16 COUNCILWOMAN SANCHEZ: Seeing
17 none, thank you.

18 MR. ABERNATHY: And I
19 apologize, Councilwoman. I do need to
20 leave the Chambers for a prior
21 commitment.

22 COUNCILWOMAN SANCHEZ: Okay.
23 That will be fine. Thank you.

24 And we will now move on to
25 Panel 2, which consists of Russell Kolins

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2 and Michael Saile.

3 We're going to start the video.

4 COUNCILMAN GREENLEE: Madam

5 Chair, while they're coming up, we're

6 going to start a video that, again, I

7 think will illustrate -- there's nothing

8 like pictures -- to show you why I think

9 this bill is necessary. And I know both

10 speakers have fairly long statements, but

11 I know I talked to Mr. Saile, who said --

12 and maybe Mr. Kolins can do the same

13 thing. The statements will be made part

14 of the record, but maybe you can condense

15 the statements, because we're a little

16 time challenged here.

17 (Witnesses approached witness

18 table.)

19 MR. KOLINS: I understand.

20 Thank you.

21 COUNCILMAN GREENLEE: Thank you

22 very much.

23 Thank you, Madam Chair.

24 MR. KOLINS: Councilman, while

25 we're waiting for that --

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2 COUNCILWOMAN SANCHEZ: Yes,
3 proceed.

4 MR. KOLINS: Thank you for
5 allowing me to be here today. I
6 appreciate the honor.

7 The video that you're about to
8 see is a video that was taken at a bar.

9 COURT REPORTER: Can I have
10 your name, please.

11 MR. KOLINS: Oh, I'm sorry. My
12 name is Russell, R-U-S-S-E-L-L, Kolins,
13 spelled K-O-L-I-N-S. I'm a private
14 detective and an expert in security.
15 I've been practicing here in the City of
16 Philadelphia for the last 42 years.

17 This video was a surveillance
18 video that was submitted during a case
19 where a person was assaulted by a bouncer
20 at a bar on South Street. This happened
21 to be the third case where I was the
22 expert witness for the plaintiff and
23 hopefully the last case, because I
24 understand that that bar has learned its
25 lesson and has done a lot of due

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2 diligence in their course of business
3 since this case.

4 But this is a case where there
5 were school teachers, Philadelphia school
6 teachers, who were celebrating a birthday
7 party across the street from this
8 particular bar and some of the school
9 teachers crossed over to this bar, went
10 upstairs to the mezzanine, went inside
11 the bar and became intoxicated, which is,
12 of course, in violation of the state law.

13 They were ejected. The female
14 supervisor of these teachers arrived on
15 the scene and tried to mitigate the
16 circumstances where one of the teachers,
17 a male teacher, got into a fracas with a
18 bouncer. And as you can see, the patron
19 is at the top of the steps. He is
20 falling, and another patron stands up and
21 starts arguing with the bouncer. Of
22 course, he's intoxicated, and this is
23 part of the reason why training is
24 necessary, because bouncers must be of an
25 even temperament and able to deal with

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2 situations. This bouncer was nothing
3 more than someone who had been involved
4 with a history of violence during the
5 course of his life.

6 COUNCILWOMAN SANCHEZ: Proceed.

7 MR. KOLINS: And should have
8 never been hired in the first place. But
9 he was hired.

10 And what happened was, he did
11 one of the street distractions where you
12 would poke somebody and get their
13 attention on one side, and while the
14 victim patron was attending to that
15 particular street poke, the bouncer then
16 cold-cocked the customer and knocking him
17 down the steps and causing injury to him
18 as not only with the punch but with the
19 fall down the steps.

20 The female supervisor tried to
21 mitigate the circumstances between the
22 patron and the bouncer. The bouncer
23 wound up grabbing her and pushing her
24 down the steps as well.

25 She exhibited no threat of

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2 force to the bouncer and was quite
3 petite, especially compared to the size
4 of this bouncer.

5 Were you able to get it?

6 COUNCILMAN GREENLEE: Some of
7 it. Go ahead.

8 MR. KOLINS: As a result, both
9 teachers were injured. A lawsuit was
10 filed against the bar, and after the
11 submission of my expert report, the case
12 was settled very quickly.

13 This is also the same bar that
14 a couple of years prior to this incident
15 that you're watching a bouncer ejected a
16 patron from the bar who had become
17 intoxicated once again against the law in
18 Pennsylvania and into the cold of the
19 night. The patron tried to get back into
20 the bar and ask the bouncer if he would
21 please get his coat because he was
22 freezing cold. The bouncer instead
23 picked this patron up and dumped him over
24 the railing into the sublevel of that
25 little shopping center. As a result of

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2 that, the patron is now in a vegetative
3 state living in a hospital and will be in
4 that state for the rest of his life.

5 Both of these cases, the one
6 that you're watching on the video and the
7 bouncer who dumped the patron over the
8 railing, were prosecuted and convicted in
9 the criminal courts in Philadelphia. And
10 part of the reason for your bill,
11 Councilman Greenlee, is to not only
12 protect the patrons and the employees who
13 are patronizing these bars, but it's a
14 matter of public safety and a matter of
15 saving lives. But there's an economic
16 advantage to your bill as well, which I
17 put in my presentation, and I'm not going
18 to go into a lot of detail as I did in my
19 written presentation. But the economic
20 value of your bill will hopefully -- and
21 I fully believe this, after 42 years and
22 50 years in the bar business. I started
23 when I was 15 as a bouncer at the
24 Shamrock in Wildwood, and I'm 65 now. So
25 I've been involved with this for a long

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2 time. I can tell you that there is going
3 to be some more diligence, due diligence,
4 on the part of the bar owners, and the
5 education of these men working in the
6 security business inside the bars are
7 going to understand and identify problems
8 more definitively and deal with them on a
9 better level. Hopefully that's going to
10 eliminate the criminal cases that appear
11 before our judges here in the Criminal
12 Justice Center. And not only that, it
13 will diminish the number of civil cases
14 that we've experienced in the past.

15 Tying up the criminal courts
16 and the civil courts because of
17 uneducated, untrained bouncers and
18 bouncers who have had a proclivity for
19 violence in their lifetime, including
20 convictions of violent acts, will in fact
21 diminish those court cases. And who pays
22 for the courts, but the taxpayers. And
23 it ties up courts where other cases can
24 be heard as well. So, therefore, the
25 economic advantage is of utmost

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2 importance and just second to the safety
3 of the people who frequent these liquor
4 license establishments.

5 In addition to that, the
6 economic value -- and I put in my
7 presentation about the 9:00 to 5:00
8 economy. We have the 9:00 to 5:00 retail
9 economy during the daytime and the other
10 9:00 to 5:00, which I call it is from
11 9:00 at night to 5:00 in the morning.

12 And our hospitality business in
13 Philadelphia is a thriving business. It
14 brings a lot of tax revenue into the
15 City, it brings a lot of tourists into
16 the City, and it allows people to enjoy
17 themselves and to enjoy the values of our
18 food and beverage establishments.

19 The more problems we have with
20 bouncers, the more tourists will not
21 return to Philadelphia, the more patrons
22 coming from their homes saying, I want to
23 go into Center City, I want to go to a
24 bar in the Northeast or in Manayunk or in
25 Old City, I want to go to an

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2 establishment where I can feel safe and
3 be comfortable and have a good time, I
4 don't need bouncers to overlook my safety
5 or to actually violate my safety by
6 attacking me in a bar.

7 There is more to just the
8 violence involved with bouncers. There
9 is the training of responsible alcohol
10 management, which bouncers must have, the
11 training of identifying proper IDs. I
12 can tell you right now if you ask any
13 bouncer in Philadelphia show him a fake
14 ID versus -- a good fake ID versus a real
15 ID, they're not going to be able to tell
16 you the difference. This training that
17 you're proposing, Councilman Greenlee, is
18 going to involve, I hope, the
19 identification of -- or proper
20 identification.

21 In addition to that, there are
22 cases which I have put in my presentation
23 where bouncers did not recognize
24 situations. A good example is the young
25 man who was killed in a parking lot

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2 outside of Citizens Bank Park, which is
3 also my case. You have bouncers who
4 allow intoxicated men from -- who were
5 ejected after the first pitch of the
6 Phillies game from Citizens Bank Park,
7 they were ejected by security, but
8 allowed to enter into the bar there at
9 the Park. And by doing so, they started
10 bullying a bachelor party of young men
11 who were going to a wedding the following
12 day. Well, instead of ejecting the
13 bullies or preventing them from entering
14 the bar in the first place, they allowed
15 those individuals to go into the bar,
16 bully the victims and then ejected
17 everybody together into the parking lot.
18 They all were sent out the front door,
19 and rather than to separate them and do
20 what they would have done had they been
21 properly trained, they sent them out
22 together and, of course, we know what
23 happened after that. The brother of the
24 bride-to-be was murdered by that group of
25 men. And if you recall, just recently

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2 they pled guilty here in the criminal
3 court in the Criminal Justice Center.

4 So there is more to just the
5 violence involving bouncers. There's the
6 identification, responsible alcohol
7 management and the proper ambassadorship
8 that bouncers should apply in the course
9 of their business.

10 I'm open to questions. I have
11 a lot more I'd like to say. I know you
12 wanted me to be brief, but I'm happy to
13 answer any questions that you may have.
14 You already have my four-page
15 presentation, which speaks for itself.

16 COUNCILWOMAN SANCHEZ: Thank
17 you so much. We finally got to the
18 exciting part of the video.

19 Any questions from -- yeah.
20 Let's take Mr. Saile. You can proceed.

21 MR. SAILE: Good afternoon,
22 Committee members. My name is Michael
23 Saile, and it's spelled S-A-I-L-E. I'm a
24 resident of Philadelphia and the personal
25 injury attorney for a recent bar incident

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2 by a gentleman by the name of Dean
3 Bowser, where he was basically assaulted
4 by untrained and overaggressive bouncers.
5 It was located right here about three
6 blocks away at the Fieldhouse, which is
7 right next to the Reading Terminal
8 Market. This is a frequent stop for
9 tourists and Philadelphians.

10 Unfortunately, Mr. Bowser is
11 not here today, but he asked me to make a
12 statement, and due to the time
13 constraints we have today, I'm going to
14 skip over his statement. It's included
15 in the presentation I provided in
16 writing.

17 Basically, Mr. Browser had a
18 problem with his friend's credit card and
19 was tackled to the ground in the
20 Fieldhouse, was punched, kicked and
21 assaulted, was picked up and basically
22 tossed through the front door, which
23 consists of wood and plate glass. He was
24 severely cut. He fell out into the
25 street on Filbert Street and asked for

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2 some help. He was thrown a towel, and
3 the bouncers laughed at him.

4 I have some photos here. It's
5 pretty graphic. Here's a picture of his
6 blood on the street of Filbert Street and
7 here's some photos of his arm.

8 You could show them, Noelle.

9 Mr. Bowser's incident is a
10 prime example of why Philadelphia needs
11 to protect its citizen, its tourists and
12 its businessowners. We believe
13 Councilman Greenlee's bill is a step in
14 the right direction and should be passed
15 into law.

16 In order to protect Philly's
17 reputation, which has been tarnished by
18 the murder rate, the flash mob and other
19 crimes, we should join the ranks of
20 cities like New York; Providence, Rhode
21 Island; Sacramento, California and other
22 cities and states across the nation and
23 pass this bouncer registration bill.

24 But today I would like to
25 discuss what we found in Dean's case and

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2 other cases that involve bouncers.

3 Bouncers are typically hired by the
4 establishments themselves and paid on an
5 hourly basis. Some of them are
6 experienced in the field for a few years,
7 while others are hired simply because
8 they have large builds and muscular
9 frames. The interview process is quite
10 simple, and many of them are hired and
11 work the same night that they are hired.

12 The Fieldhouse in this case
13 handed out employee manuals, and these
14 were the same employee manuals that they
15 handed out to everybody, including
16 busboys and everything else. In that
17 manual there was one safety rule, and the
18 safety rule was if there was a problem
19 with the patron, call a manager. That
20 was the only safety rule.

21 Now, the Fieldhouse is owned by
22 a group of restauranteurs which own other
23 places around the City, including the
24 Public House, which is a popular Philly
25 nightspot. They should set the standard.

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2 They had no procedures. They had no
3 formal training. And when I was able to
4 depose each and every bouncer that was
5 involved in Mr. Bowser's incident, I
6 asked them each, What is the proper way
7 to remove Mr. Bowser? They all had
8 different answers.

9 I asked the manager, I said,
10 What's the proper way Mr. Bowser should
11 have been removed? He did not know the
12 answer, and he was the manager who was
13 there from day one. And this is an
14 establishment owned by an experienced
15 group of businessowners.

16 These businessowners are not
17 doing what it takes, and this is why we
18 have to step in, and that's why we
19 recommend Councilman Greenlee's bill, to
20 protect not only the patrons but the
21 bouncers themselves, who are subject to
22 liability, and the bar owners.

23 When someone is injured or
24 killed, their family or they, the only
25 right they have is to contest this matter

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2 or make a claim, and all these matters go
3 to court. Why? Because they're highly
4 disputed. It's a he said/she said type
5 of thing. It involves extensive and
6 costly litigation, which does tie up our
7 court system.

8 Now, in this case, we license
9 contractors, we license street vendors,
10 we license security guards. Why
11 shouldn't we license bouncers? A
12 bouncer's job inherently uses force.
13 They are paid to diffuse situations and
14 sometimes use force against people to
15 protect other people and to protect
16 property. Same thing with police
17 officers, but you don't see the
18 Philadelphia Police Department putting
19 police officers out on the street until
20 they graduated Police Academy. So
21 shouldn't these bouncers know how to use
22 force?

23 In all of our cases we've seen,
24 there's been no specific training. They
25 don't know how to use the right force.

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2 Shouldn't they know when to use force
3 and, more importantly, when not to use
4 force? They're all the questions that
5 this bill can resolve.

6 Bar owners have proven they
7 cannot police themselves, and this city
8 needs to pass this bill to ensure that
9 bouncers get proper training. It is a
10 necessity of public interest. By passing
11 this bill, you will provide a higher
12 level of safety to the bar, the bar
13 owners and the patrons. We need to make
14 this city safer for tourists and, of
15 course, other Philadelphians who would
16 like to come down to Center City and
17 spend their money.

18 Thank you, and that's all I
19 have to say. I'm open for questions.

20 COUNCILWOMAN SANCHEZ: Yes.
21 The Chair recognizes Councilman Greenlee.

22 COUNCILMAN GREENLEE: Thank
23 you, Madam Chair.

24 More of a comment that you
25 might want to comment on yourselves. I

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2 appreciate what you both, I think, said
3 is that this really helps a whole lot of
4 different people - certainly the patron,
5 other customers, but also the
6 businessowner themselves. Sometimes you
7 have to protect people against themselves
8 in some ways. And just to let you know,
9 I had a conversation just the other day
10 with Pat Conway of the Restaurant
11 Association, and he basically said he
12 supports this bill. He realizes it's
13 necessary. And I know Mike Driscoll of
14 Finnigan's Wake said now -- and I think
15 unfortunately they had some incidents
16 before -- they mandate training for all
17 their bouncers.

18 So, I mean, it's starting to
19 get through, but I think you're right, I
20 think for the image of the City, among
21 all the other things, we need to do this.
22 And I really appreciate the expertise
23 both of you brought and the next couple
24 witnesses have brought to this, because
25 certainly we're learning. I'm an old man

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2 now. I don't hang out in bars anymore,
3 so I don't see some of this. So it's
4 really -- it showed as time went on that
5 this isn't one or two incidents. This is
6 something that we really need to get a
7 hold of.

8 I appreciate both of you and
9 what you've added to this.

10 MR. SAILE: Thank you.

11 COUNCILWOMAN SANCHEZ: Thank
12 you both for sharing with us.

13 The Committee will now call on
14 Panel 3, Mr. Edward Iannucci and Ric
15 Pascetta.

16 (Witnesses approached witness
17 table.)

18 COUNCILWOMAN SANCHEZ: I'm
19 trying to picture where you are located,
20 because you're in my district and I can't
21 picture the building, and that's
22 disappointing for me, because I usually
23 know every building. You're on 5th and
24 Venango. I'm trying to picture the
25 building.

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2 MR. PASCETTA: Fifth Street
3 just before Erie Avenue.

4 COUNCILWOMAN SANCHEZ: Where?

5 MR. PASCETTA: Fifth Street
6 just before Erie Avenue.

7 COUNCILWOMAN SANCHEZ: Yeah.
8 That's what I'm trying to picture.

9 MR. PASCETTA: It's upstairs.

10 COUNCILWOMAN SANCHEZ: Which
11 building?

12 MR. PASCETTA: Across from the
13 Sunoco station.

14 COUNCILWOMAN SANCHEZ: Oh,
15 okay. It's the building next to the bar?

16 MR. PASCETTA: Yes, but
17 upstairs.

18 COUNCILWOMAN SANCHEZ: Okay.
19 See, I know my buildings.

20 Okay. You can proceed. Either
21 one of you can start.

22 MR. IANNUCCI: I would like to
23 thank the City Councilmembers and the
24 Committee members of --

25 COUNCILWOMAN SANCHEZ: Identify

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2 yourself for the record.

3 MR. IANNUCCI: My name is Ed
4 Iannucci. Last name is spelled
5 I-A-N-N-U-C-C-I. I'm here to support
6 this bill. I'm speaking on the behalf of
7 CDT Bar Safe and Bar Guard, Inc.

8 I have been training security
9 in various nightclubs for over ten years,
10 with a great bit of success and a limited
11 amount of liability. I trained them in
12 non-lethal and specific industry level of
13 force that's been mentioned earlier.

14 I believe this bill is very
15 important to add quality standards and to
16 decrease the incidents due to unqualified
17 and overexcited doormen that in most
18 cases result in serious injury or even
19 death. I believe that the nightclub
20 security profession has the
21 responsibility to remove problem patrons
22 and to ensure the safety of the club's
23 patrons as well as their staff and as
24 well as the surrounding residents. I
25 believe that the training standards

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2 should be set by law and the specific
3 level of force, as indicated as Level 1,
4 full circle liability, and verbal
5 diffusion, along with a whole other
6 litany of standards that should be put
7 forth in the training program as far as
8 the removal aspect and restraining aspect
9 in safe patron removal. I believe it
10 should be defined by law, and I find this
11 law to be very important. And I'm open
12 to any questions.

13 COUNCILWOMAN SANCHEZ: Thank
14 you. We'll hear from Mr. Pascetta first.

15 MR. PASCETTA: My name is Ric
16 Pascetta, P-A-S-C-E-T-T-A, and I'm
17 Director of Justify Force Training Center
18 in North Philadelphia.

19 Brief background: Former
20 police officer, security consultant.
21 I've been training law enforcement and
22 private security since 1974. I've been
23 very active in the last seven years in
24 the Philadelphia area involved with
25 everything from diplomatic clients to the

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2 smallest corner bar. So I have a regular
3 interaction with many of the men who do
4 that security. I've been involved in
5 supervising and training them and seeing
6 firsthand the incidents that are
7 involved.

8 I want to echo the statements
9 of almost every person that's come before
10 me that this bill is very valuable and
11 very necessary. My biggest concern is
12 that we don't just have legislation that
13 looks good on its face, but is hard to
14 implement. If the elements that really
15 can change real-world incidents are
16 there, this bill will be invaluable, just
17 like it's already been testified before
18 me. Those elements include first -- and
19 I gave you -- you might have my
20 presentation in front of you.

21 COUNCILWOMAN SANCHEZ: Yes, and
22 it will be added to the record.

23 MR. PASCETTA: First, change
24 the image of what bouncers are rather
25 than being enforcers. That has to be

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2 part engrained in that training, even in
3 terms of terminology. I have several
4 suggestions. Security agents.

5 The four elements that are
6 necessary are appearance, demeanor,
7 attitude and actions. If those four
8 elements are there, we can have all the
9 great sounding ideas and desires, but
10 it's a human thing that has to happen in
11 their training.

12 Number two, education of the
13 liquor establishment owners and
14 management. If we get a bill that only
15 requires security personnel, they're at
16 the bottom of the barrel. I have seen so
17 many owners who have no awareness and
18 they stand in the way, they do not allow
19 you, they tie your hands behind your
20 back. And it helps create those
21 incidents that should not occur if those
22 security personnel use best practices as
23 known through the industry. So those
24 owners need to know the role of security.
25 They have to have an established SOP and

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2 defined in-house rules, just like the
3 attorney before me mentioned.

4 There's a need for training and
5 for qualified personnel. Not just hire
6 the guy who looks big and says, I've done
7 security for 50 years or what-have-you.
8 And they have to understand the economic
9 and human impact of ineffective security
10 selection, supervision and performance,
11 because many times it's the bottom line.
12 Who can I pay the least? Who can I get
13 there to stand at the door? And who can
14 I get tonight? I've seen this over and
15 over again. Not one grandiose incident,
16 but many, many incidents.

17 So the security personnel who
18 really want to do the job well are
19 handicapped. If that element is not in
20 the bill, then we may have sort of
21 undercut the effectiveness of it, in my
22 opinion.

23 Third is the education and
24 certification of security personnel. I
25 echo the value and importance of ramp

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2 certification. Many of these people have
3 no idea how to do a proper ID check. And
4 we're always struggling with the owner
5 who wants their cousin, their brother,
6 their friend who is underage to come in.
7 Does the security guy lose his job
8 because the owner says, No, I want him
9 in? These are training issues that
10 need -- they need to understand the law
11 and their own liability by doing this, by
12 putting themselves at risk and those
13 young people at risk.

14 Obviously the law is
15 identifying aggressive and inebriated
16 patrons and also the established and
17 awareness of in-house rules. If the
18 manager doesn't know the rules of the
19 house, how does the security personnel
20 know the rules? They both have to know
21 this and be on the same page. If you're
22 waiting for someone who is going to punch
23 you in the nose to know what to do,
24 there's a problem. This will likely
25 escalate and cause not just damage to the

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2 patrons, but also to the person who is
3 being hired, usually at a relatively low
4 price, to protect the people in that
5 establishment.

6 The use of force paradigm.
7 Understanding what is the level of force
8 and if this training is just giving the
9 list of five or six levels of use of
10 force continuum, it's useless. The
11 training has to be hands-on,
12 scenario-based training. Again, it's a
13 type of training. Just to say that we
14 need training and a certificate, there
15 are plenty of people out there who will,
16 I'll give you that certificate. So you
17 get a paper course and now you have a
18 certificate and the government has
19 stamped that guy on the tail saying now
20 he's qualified as a security personnel.
21 It's not hard work. We can have the law
22 and the best intention. It doesn't do
23 the job if there's no teeth in it and
24 there's no substance to it.

25 Verbal diffusion and conflict

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2 mitigation. We assume that people know
3 this. If this is not part of the
4 training, that's the first level of
5 security, is demeanor, the look, the way
6 those people are dressed, the way they
7 carry themselves, the way they address
8 the public. If this is not the inherent
9 part of any training and certification,
10 their training again is relatively
11 useless.

12 And, of course, the physical
13 side. And my colleague over here, Ed, is
14 quite a well-known expert in this.
15 Liability and safety-conscious escorts,
16 removals and restraints, how to remove
17 someone with the least amount of force.
18 Now, we hope we can do that with no
19 injury, but many times you can't do that
20 with no injury. You see that security
21 person being injured as well. So we have
22 both sides. We need to make sure all our
23 citizens are safe, our professionals and
24 the citizens as well, and without that
25 training, again, our good intentions I

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2 believe will be lost.

3 My concerns in the original
4 bill is that the language concerning
5 certification needs to be less general
6 and less vague, more specific.

7 COUNCILWOMAN SANCHEZ: I think
8 there were some amendments. I don't know
9 if they were circulated with you as a
10 result of your input with Councilman
11 Greenlee.

12 MR. PASCETTA: Thank you.
13 Well, I just got this thing today, so I
14 apologize.

15 COUNCILMAN GREENLEE: If I
16 could, Madam Chair.

17 COUNCILWOMAN SANCHEZ: Yes.
18 Councilman Greenlee.

19 COUNCILMAN GREENLEE: Just to
20 get into that a little bit, I know
21 there's been, like with any bill -- and I
22 know you don't deal with all the
23 legislation in here. There's a lot of
24 back and forth between a number of
25 entities. The Administration had some

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2 concerns. I know you had some concerns.

3 MR. PASCETTA: One last thing,
4 sir, if I could. The redundancy of the
5 background check, there are many Act 235
6 certified enforcement agents who already
7 have to go through an extensive
8 background check to get that
9 certification. So there needs to be
10 language in there -- it's redundant.
11 They have to pay for that and do that all
12 over again. They've already done it.

13 COUNCILMAN GREENLEE: I
14 understand, and I know you expressed that
15 concern. I guess what the point I'm
16 getting at is that obviously we want to
17 try to get this process started. Now,
18 obviously as time goes on -- and this
19 happens with lots of legislation we do in
20 here -- if it turns out we either missed
21 something or didn't make it strong
22 enough, we can always amend it. But what
23 we're trying to do today is get this bill
24 sort of moving, if you know what I mean,
25 because we've had conversations I guess

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2 for a couple months now, and certainly as
3 we go through this period where we come
4 up with the certification process, and
5 that's part of the bill, we certainly
6 want folks like yours and the previous
7 speakers' input, because you know this
8 stuff, we don't.

9 So I just want to throw that in
10 there, that oftentimes the bill we might
11 pass isn't the be-all and end-all,
12 because we're learning and the City is
13 learning through this whole process, too.
14 So, again, what might be the perfect bill
15 to you might not be the perfect bill to
16 the Restaurant Association and might not
17 be the perfect bill to the
18 Administration, whatever. So we're
19 trying to reach that happy medium, which
20 is not always the easiest thing to reach,
21 but I think we've hit on, no pun
22 intended -- had a lot of things here that
23 I think will move this process forward.
24 And, again, I don't want this to be the
25 last time we talk. We want to continue

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2 this dialogue and figure out how to make
3 this about the best we can.

4 MR. PASCETTA: I'd like to make
5 just one last point, and I won't take
6 more of your time. Over the last year,
7 myself and a handful of other security
8 professionals have put a considerable
9 amount of effort into forming a
10 professional association of enforcement
11 agents, armed security and also a
12 division of unarmed security, and one of
13 the issues here is who is going to pay
14 for this training, and some of these men
15 don't have that kind of money. You're
16 going to be putting people out of work
17 because they just don't have the money to
18 do the training. Some of the owners have
19 it and the small places don't.

20 So part of our effort in this
21 association is to provide either free
22 training as part of the membership in the
23 basic areas or reduced training or
24 discounted training, and this is my way
25 and the people I affiliate with to give

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2 back to the community and really
3 contribute to helping with this problem
4 and conforming with the law that you put
5 into effect. So like in other
6 organizations, like the Bar Association
7 lawyers, American Association, regular
8 association, we need to police our own
9 industry, and any of that information we
10 have you're welcome to look at. I think
11 that might be helpful.

12 COUNCILWOMAN SANCHEZ: For us
13 it's always better to work with an
14 organized effort, and so we definitely
15 appreciate that. I'm sure the bill
16 sponsor will be glad to meet with you
17 guys periodically.

18 What is the average cost of the
19 training right now?

20 MR. PASCETTA: It could be
21 anywheres from \$100 to \$500 a training
22 force, because you're looking at probably
23 at least a minimum of four areas of
24 certification, maybe five, to really get
25 the basic things covered. So if we can

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2 offer some of that for nothing as part of
3 the membership or for a very discounted
4 cost, we now make it available and the
5 economic issue becomes less of an issue
6 and more are you motivated, are you
7 willing to do the job properly and be a
8 professional.

9 COUNCILWOMAN SANCHEZ: Well, we
10 thank you. I know for the Councilman
11 this is a public safety matter, and I
12 think that's the way he's approached
13 that.

14 Is there anyone else here to
15 testify on Bill No. 110610?

16 (No response.)

17 COUNCILWOMAN SANCHEZ: Seeing
18 none, can the Clerk read the title of the
19 next -- thank you so very much -- of the
20 next two bills, because I believe we only
21 have the Administration here to testify
22 on those.

23 THE CLERK: Bill No. 110833, an
24 ordinance amending Chapter 9-1300 of The
25 Philadelphia Code, entitled "Home

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2 Inspection Business," by changing the
3 title to "Inspection Businesses," by
4 adding sections regulating licensing of
5 Fire Alarm Systems Inspectors, Electrical
6 Inspection Agencies, and Electrical
7 Inspectors; and by making conforming
8 amendments to Subcode "E" (The
9 Philadelphia Electrical Code) of Title 4
10 of The Philadelphia Code, entitled "The
11 Philadelphia Building Construction and
12 Occupancy Code"; all under certain terms
13 and conditions; and

14 Bill No. 110834, an ordinance
15 adding Sections 9-1005, entitled "Fire
16 Suppression System Contractors," and
17 9-1006, entitled "Electrical
18 Contractors," to Chapter 9-1000 of The
19 Philadelphia Code, entitled "Trades," to
20 provide for licensing of fire suppression
21 system contractors and electrical
22 contractors; and making conforming
23 amendments to Subcode "E" (The
24 Philadelphia Electrical Code) of Title 4
25 of The Philadelphia Code, entitled "The

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2 Building Construction and Occupancy
3 Code"; all under certain terms and
4 conditions.

5 COUNCILWOMAN SANCHEZ: Thank
6 you.

7 We have only registered the
8 Administration. If there's anybody else
9 to testify on this bill. If not, Maura
10 or the Commissioner.

11 (Witnesses approached witness
12 table.)

13 DEPUTY COMMISSIONER FINK: Good
14 afternoon, Councilwoman. My name is
15 Michael Fink. I'm Deputy Commissioner
16 for the Department of Licenses
17 Inspections. I'm here today to provide
18 testimony on behalf of the Department on
19 Bill 110833 and 110834, which, if
20 enacted, would amend Chapter 9-1300 of
21 The Philadelphia Code and 9-1000 of The
22 Philadelphia Code, entitled "Inspection
23 Businesses" and "Trades," by adding
24 sections regulating licensing of fire
25 alarm systems and inspectors, electrical

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2 inspection agencies, electrical
3 inspectors, fire suppression companies
4 and electrical contractors, and making
5 conforming amendments to the subcodes in
6 Title 4 of The Philadelphia Code,
7 entitled "The Building Construction and
8 Occupancy Code"; all under certain terms
9 and conditions.

10 The Department supports passage
11 of this bill. It makes no changes to the
12 existing license requirements. It just
13 moves the requirements from the technical
14 subcodes in Title 4 to Title 9 where
15 other similar licenses are located to
16 make the code more user friendly.

17 Thank you for the opportunity
18 to provide the Department's testimony on
19 these bills. I will be happy to answer
20 questions at this time.

21 COUNCILWOMAN SANCHEZ: Any
22 questions from the panel?

23 (No response.)

24 COUNCILWOMAN SANCHEZ: Seeing
25 none, thank you.

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2 This concludes the public
3 hearing. We will now enter our public
4 meeting.

5 Having an established quorum
6 with Councilwoman Blondell Reynolds
7 Brown, Councilman Bill Greenlee,
8 Councilman Bill Green and the Chair, the
9 Chair will ask for a motion on the
10 amendment to Bill No. 110610. Councilman
11 Greenlee.

12 COUNCILMAN GREENLEE: Thank
13 you, Madam Chair. I move the adoption of
14 the amendments to Bill No. 110610.

15 (Duly seconded.)

16 COUNCILWOMAN SANCHEZ: All in
17 favor?

18 (Aye.)

19 COUNCILWOMAN SANCHEZ: Any
20 opposition?

21 (No response.)

22 COUNCILWOMAN SANCHEZ: The
23 amendment is moved.

24 Councilman Greenlee, a motion
25 on the amended bill.

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2 COUNCILMAN GREENLEE: Thank
3 you, Madam Chair. I move that Bill No.
4 110610, as amended, be reported out of
5 this Committee with a favorable
6 recommendation and that the rules of
7 Council be suspended to allow for first
8 reading at our next session of Council.

9 (Duly seconded.)

10 COUNCILWOMAN SANCHEZ: All in
11 favor?

12 (Aye.)

13 COUNCILWOMAN SANCHEZ: Any
14 opposition?

15 (No response.)

16 COUNCILWOMAN SANCHEZ: The bill
17 passes.

18 Councilman Greenlee, can I get
19 a motion on Bill 110833.

20 COUNCILMAN GREENLEE: Thank
21 you, Madam Chair. I move that Bill No.
22 110833 be reported out of this Committee
23 with a favorable recommendation and that
24 the rules of Council be suspended to
25 allow for first reading at our next

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2 session of Council.

3 (Duly seconded.)

4 COUNCILWOMAN SANCHEZ: All in
5 favor?

6 (Aye.)

7 COUNCILWOMAN SANCHEZ: Any
8 opposition?

9 (No response.)

10 COUNCILWOMAN SANCHEZ: The bill
11 passes.

12 A motion on Bill 110834.

13 COUNCILMAN GREENLEE: Thank
14 you, Madam Chair. I move that Bill
15 110834 be reported out of this Committee
16 with a favorable recommendation and that
17 the rules of Council be suspended to
18 allow for first reading at our next
19 session of Council.

20 (Duly seconded.)

21 COUNCILWOMAN SANCHEZ: All in
22 favor?

23 (Aye.)

24 COUNCILWOMAN SANCHEZ: Any
25 opposition?

1 11/29/11 - L&I - BILL 110610, ETC.

2 (No response.)

3 COUNCILWOMAN SANCHEZ: Being
4 none, this concludes the public meeting
5 of the Committee of License and
6 Inspections.

7 Thank you all for your patience
8 and time.

9 (Committee on Licenses and
10 Inspections concluded at 4:50 p.m.)

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1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on November 29, 2011, and
8 that this is a true and correct transcript of
9 same.

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14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
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