

Private Security/Private Investigator Policy Committee Minutes June 8, 2006

The Private Security/Investigator's Policy Committee (PSIPC) held a work session on strategic planning at 10:00 a.m. on June 8, 2006 at the Bend Police Station in Bend, Oregon. Chair Harold Burke-Sivers called the meeting to order at 10:00 a.m.

Attendees

Committee Members:

Harold Burke-Sivers, Private Security Industry, Chair
Eric Meyer, Private Security Industry, Vice Chair
Derek Bliss, Armed Security
Lael Cooksley, Public Member
Brandon Mak, Unarmed Security
Judy Pongratz, Retail Industry
David Tucker, Healthcare Industry
Chris Bloom, Private Investigators
William Herrick, Private Investigators
Jeff Martin, Alarm Industry
Randall Woolard, Private Business

DPSST Staff:

Brian Henson, Private Security/Investigator's Licensing Program Manager
Karen Evans, Private Security Trainer/Investigator by teleconference
Tammera Hinshaw, Administrative Assistant



The Private Security/Investigator's Policy Committee (PSIPC) held its regularly scheduled meeting at 1:30 p.m. on June 8, 2006 at the Bend Police Station in Bend, Oregon. Vice Chair Eric Meyers called the meeting to order at 1:30 p.m.

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Eric Meyer, Private Security Industry, Vice Chair
Derek Bliss, Armed Security
Lael Cooksley, Public Member
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Judy Pongratz, Retail Industry

David Tucker, Healthcare Industry (by teleconference)
Chris Bloom, Private Investigators (by teleconference)
William Herrick, Private Investigators
Jeff Martin, Alarm Industry
Randall Woolard, Private Business

DPSST Staff:

Brian Henson, Private Security Supervisor
Chris Brodniak, Private Investigator Compliance Investigator
Karen Evans, Private Security Trainer/Investigator by teleconference
Doug Burch, Curriculum Supervisor by teleconference
Bonnie Salle, Certification Coordinator by teleconference
Tammera Hinshaw, Administrative Assistant

Guests:

Daniel Stover, North Pacific Security
Patrick Higgins, OALI
Ray Moffitt, Private Investigator
R.A. Little, Private Investigator

Vice Chair, Eric Meyer called the meeting to order at 1:30 p.m. Introduction of members, DPSST staff and guests followed.

Eric Meyer asked if there were any items to be pulled from the consent agenda. Jeff Martin asked that items B and C be pulled for clarification. Eric Meyer asked if the other items could be approved. The committee voted unanimously to pass all other items which included acceptance of the March 16, 2006 minutes and item D.

The questions regarding Case B were addressed by Chris Brodniak. They included whether or not the attorney was able to substantiate the statement on page 2, third paragraph, last sentence in parenthesis regarding the request from the attorney to not document his finding. Yes, it was substantiated. The issue of garnishment in the amount of \$924.00; has the garnishment been paid? No. The attorney who retained him did not want a written report? That is correct. Chris Bloom asked, if an attorney retains an investigator, is the attorney the client or is the client of the attorney the client? In this case, the client paid the investigator directly and it was understood that the defendant was the client in this case. In the C case, the investigator went to the defendant on his own and was not referred to the defendant by the attorney. In this case as well, the defendant paid the investigator and received nothing in return. The investigator is required by law to keep an accurate accounting of what the funds were used for. There was nothing provided in both cases.

Eric Meyer asked for a vote for the revocation of the license in case B. Lael Cooksley moved to revoke the license. Jeff Martin seconded the motion. The motion passed by unanimous vote.

The questions regarding Case C were answered by Karen Evans. Jeff Martin asked if the individual is still in business. Yes, and the defendant has completed the Executive Manager course a few weeks ago. The summary indicates the penalty is \$1000 per occurrence. There were 18 occasions, but the fine is \$1,000 instead of \$18,000? The department could assess the higher amount but has discretion in these matters. Sometimes it comes to the point where it's not productive to continue increasing the penalty, hence the \$1000 per the occasion of the contract in this case. Is this precedent setting and is there some clarification on this in the final order? No, the department handles each case separately, and is acting with in its legal discretion. This will not set precedence.

Eric Meyer asked for a motion for penalties to be assessed. Chris Bloom moved to assess penalties. Lael Cooksley seconded the motion. The motion passed by unanimous vote.

Eric Meyer asked for comments on e-mails sent to Brian Henson and Harold Burke-Sivers.

Public comment in regards to the Private Investigators program –

Timothy Martinez - Suggests the cost of bond insurance and other fees wait until the applicant finishes the test and passes the background investigation.

Stacia Kinyon – Suggests DPSST come up with separate loss prevention training certification that concentrates more on retail than private security.

Jess Groves – Would like to see decorative, more professional looking certificates for hanging on walls.

Mic Thompson – Recommends a new certification for retired police officers entering the Private Security business. The title Special Police was suggested for qualifying individuals. Mr. Thompson offered e-mail addresses for states currently utilizing this method and his assistance in further exploring the concept.

Eric Meyer asked if there were any additional guest comments. There was further clarification of the attorney/client/defendant relationship and the laws pertaining to what the investigator is required to report.

Administrative Rule OAR 259-060-0600: Bonnie Salle reviewed the proposed language changes and explained the reason for Action Item 3: fiscal impact on small business. William Herrick motioned to recommend filing the proposed language with the Secretary of State as a proposed rule if no comments are received and no hearing is held as there is no significant impact on small business. Lael Cooksley seconded the motion. Chris Bloom abstained from the vote. The motion passed by unanimous vote.

Sub-Committee Reports:

- **Administrative Rule Rewrite** – on hold pending outcome of accreditation process under Senate Bill 61. Brian Henson explained that the temporary rules for Investigators are now permanent. There is a link to OAR 259-061 on the DPSST website.
- **Accreditation** – Judy Pongratz – 2 page agreement, directions and instructions for application, performance objectives and training accredited. The sub-committee requests input on appropriate costs involved. The goal for the next policy committee meeting is to have the application, instructions, agreement and rule set for the committee to review. The next sub-committee meeting is June 22 at the University of Portland. Associated Oregon Industries and other groups have been kept informed and are involved. All are welcome to attend.
- **Curriculum** – Eric Meyer – The sub-committee is looking at report writing and loss prevention, possibly redoing some of it. It's time to review the curriculum and make changes appropriate for today's industry. Currently, they are working on changes to some test questions and the refresher class.
- **Armed** – Derek Bliss – Will the Armed sub-committee be submitting something to the Curriculum sub-committee before they bring it to the policy committee? Harold Burke-Sivers asked that the changes be distributed to the policy committee for review. The last sub-committee meeting was May 30th in Portland. Sub-committee members have been talking to other armed officers about what's going on and receiving input. The Armed training manual is composed of 10 sections and a test. The sub-committee developed a new exam with 30 questions designed to stimulate thought and get discussion going. One item that might be useful to Unarmed also is the Notes to Instructors portion which includes, best practices, side bar issues, visual aids, and photos with firearms which will be put into a PowerPoint presentation and will be free to instructors. They will probably need some resources from DPSST. For the Force continuum, the sub-committee is looking into an option to retreat and be a witness instead of engaging. Instructors having a place to go to find information on how to teach and best practices that people could add on to in a website. Administering the range – instructors are unacceptably outnumbered. The sub-committee is developing range administration techniques to include the right of the instructors to fail students. Next meeting will be Sept 12th in Beaverton.
- **Alarm Monitor** – Jeff Martin – the sub-committee is in the process of redoing their curriculum. It is currently on hold because it made sense to finish the Accreditation piece in case there's anything that might impact this curriculum. They also need to solicit a couple of new members, as others have resigned. No meeting scheduled. Nothing to report.
- **Investigators** – William Herrick – The sub-committee consists of 6 people who are collecting input and are working with OALI. OBI continuing education for

investigators is 32 CEUs for licensed investigators. Found that some people with a particular expertise were forced to go to training that was not applicable to their certification, so the committee has expanded the training opportunities. Some people were abusing the video option for continuing education, so the committee recommends cutting the amount of video hours to 16. Conference, seminars, and on-line studies are other ways of gaining CEUs. DPSST would have discretion on appropriate training credit. Brian Henson reminded the committee that there is still time to give input after the Board sends an item to the Secretary of State. Chris Bloom feels we're not reaching the constituents the way we should be. Maybe we could have a website that could be updated when people move or change their e-mail address? Chris Bloom will be mailing two proposed rule changes to 703 to committee members with a cc to Brian Henson to be reviewed and addressed and discussed at the meeting in September. The proposals are word additions to the current statute dealing with exemptions for the PI law. These are concerning people circumventing the law and persons with a criminal background that would normally disqualify them from PI activity and license, but because of their employment status, they are currently exempt from the rule of 703. The other item is the expert witnesses PI portion. The statute exemption is too broad. Brian Henson reminded the committee that statutory changes are not possible at this time and will have to wait until the 09-011 legislation. Also, this committee has direction only over those who fall under this jurisdiction. The statutory standards to become licensed are different than the exemptions and what is required to work in this industry with an exemption. Chris Bloom is going to bring it forward anyway so everyone is aware. We have discussed forming a reciprocity committee with other states. A sub-committee will be formed at the end of August. They hope to have a draft by the December or January meeting for the committee at that time.

Department Update:

- a.** Vacant Policy Committee seats for Mfg and Hospitality – Brian Henson
We have a candidate for Manufacturing and expect the person to be appointed at the next Board meeting. Brian has had conversation with an applicant for the Hospitality seat but has not seen an application yet.
- b.** Commissioned Police Officer Issue – Harold Burke-Sivers
Harold received a memo in April from Brian regarding reserve and commissioned officers. What is their status under the statute? What is the intent of the law? The group discussed exempt/non-certified police officer status and duties defined by the statutes. There will be further discussion at the next PSPIPC meeting.
- c.** Legal Update – Karen Evans
Chris Brodniak and Karen plan to travel throughout the state this summer in an effort to educate constituents and law enforcement agencies of the Private Security Service Providers Act and Private Investigator's statutes. Investigators can earn two hours of CEUs for attending the training. This will also cover the OBI to DPSST transition. The class in Bend will be June 29th,

8:00 a.m. at the Black Bear restaurant. The schedule of classes is available on the Departments website.

- d. Academy Move & Constituent Impact – Brian Henson**
Most impact is hopefully over. The PS/PI database almost completed. Good information is available on the website. New things will be added as we go along. Chris Bloom thanked Brian and his staff for all the hard work.
- e. Investigations/Training Update – Chris Brodniak**
Last month's meeting was in Newport where they addressed Oregon Criminal Defense Lawyers Association on the focus of DPSST. Karen Evans discussed the partnership with OLCC and gave guidance on who needs to be certified by DPSST, licensed by OLCC or certified and licensed under both regulatory programs.
- f. Budget Process/Update – Brian Henson**
The Policy committee sent forward three legislative concepts that were combined by the department of Administrative services into two concepts covering all three areas.
- g. Original exam graded incorrectly, how does that happen? Brian Henson -** The tests were graded by the OBI representative incorrectly. DPSST informed the person they needed to schedule and retake the test. At the time DPSST proctored the exam, DPSST gave specific instruction as to how the exam was to be proctored and what materials were to be used. The person was later found to be supplementing the allowed materials with a law dictionary that she had brought with her. She was told at that time by the proctor to continue with the test while the meeting concerning the cheating issue took place. The person continued for a short time but ultimately turned in the test incomplete and therefore failed the test on score and also on the issue of cheating.

Where can employers go to find out if persons they're thinking of hiring are certified? If they work for a temp agency, they are required to be certified.

New Academy dedication is July 17th at 1:00 p.m. There will be no tour of the facility on that day. The PSIPC committee will have a tour on September 14th. It may be limited based on course safety and active training being conducted.

The Academy is in on budget and coming along well. Wells Fargo donated some items including a safe. There will be actual houses in the City Streets section that is meant to simulate the real world.

Chris Bloom requests that committee members have all documents in their possession before the meeting.

Guest comments #2 – Patrick Higgins of OALI:

Actions – do the funds go to DPSST or the General Fund? Brian Henson – the funds go back into the program.

OALI would like someone from DPSST to speak at the three main OALI conferences. Brian Henson – we appreciate the invitation and would be there

when possible, however, we don't have a person on staff who is totally dedicated to these types of events, assigned work and duties must take precedent. Harold Burke-Sivers said he or other committee members could also be asked. William Herrick mentioned it would be a great place to disseminate information to a very large group of constituents. The next OALI meeting is October 21st in Eugene at the Red Lion off Coburg Rd.

Harold Burke-Sivers asked for a motion to adjourn the meeting. Eric Meyer motioned and the committee seconded. The next meeting is scheduled for September 14th in Salem.