

**Private Security and Investigator's Policy Committee**  
**Minutes**  
**May 18, 2010**

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 18, 2010, at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317. The meeting was called to order by Chair Jeff Martin at 1:30 pm.

**Attendees**

**Policy Committee Members:**

Jeff Martin, Paragon Monitoring Center, Chair  
Shawn Cardwell, RAMS Specialized Security Services, Inc., Vice Chair  
Phillip Agrue, Private Investigators OBA  
William Geiger, Unarmed Security  
Eric Morse, Manufacturing Industry  
Ernie Loy, Retail Industry  
Arthur Smith, Private Investigators  
Robert Smith, Healthcare Industry  
James Essam, Alarm Monitoring  
Judy Pongratz, Private Business  
Bonnie Narvaez, Public Member  
Vacant, Hospitality  
Vacant, Armed Security

**Committee Members Absent**

Eric Morse, Manufacturing Industry

**Guests:**

Paul Castleberry  
Ken Herbst  
Justin Walker

**DPSST Staff:**

Teresa Naugle, Manager  
Karen Evans, Investigator  
Suzzane Baker, Compliance Specialist  
Chris Brodniak, Investigator  
Mike James, Curriculum Specialist

1. **Chair's Report and Administrative Announcement**

"This is a public meeting, subject to the public meeting law and it will be tape recorded."

Chair Martin advised the committee that Ed Winnett had resigned and introduced Justin Walker, whom Chair Martin has recommended for appointment to the policy committee as the hospitality representative. Chair Martin encouraged Paul Castleberry to consider applying for the armed representative position.

2. **Public Comment**

No public comment

3. **\*CONSENT AGENDA (The following items to be ratified by one vote)**

A. **\*Minutes**

Approve minutes from the February 16, 2010 meeting and the March 30, 2010 telephonic meeting.

B. **\*Shawn Pierce PSID # 46625**

*Determine whether to uphold recommendation by the Department of Public Safety Standards and Training to assess Shawn Pierce a civil penalty of \$4,000.00 for knowingly supervising and managing uncertified security professionals.*

C. **\*James Stolfa PSID # 39933**

*Determine whether to uphold recommendation by the Department of Public Safety Standards and Training to assess James Stolfa a civil penalty of \$7,000.00 for operating a security business without a license and performing security services without certification.*

D. **\*Kevin Buress PSID # 42598**

*Determine whether to uphold recommendation by the Department of Public Safety Standards and Training to assess Kevin Buress a civil penalty of \$1,500.00 for performing security services without certification.*

Chair Martin requested that item "D" be removed from the consent agenda. Motion by Ernie Loy that the consent agenda with item "D" removed be approved. Second by Phillip Agrue. The motion passed unanimously.

**Discussion – D. Kevin Buress PSID # 42598**

There was discussion regarding the amount of civil penalty and how staff arrived at the recommended amount. Chris Brodniak explained that the provision of Oregon Administrative Rule (OAR) 259-060-0450 lists the sanctions and amount to be assessed for violation of the Private Security Service Providers Act.

Chris further explained the details of the case in which the individual falsified a Department issued private security professional card. The individual has never been certified in the state of Oregon. Chris explained the crime of forgery had occurred, but the Department chose to pursue the case administratively. Subsequent to the submittal of this recommendation to the policy committee, the individual was again found working with another forged certification card. The Oregon Liquor Control Commission relayed that a citation would be issued for the subsequent violation in April.

There was lengthy discussion about the process used to assess civil penalties, past application of civil penalty amounts and the meaning of “per occurrence” and “per violation” as stated in the OAR, how to determine per occurrence or violation and the importance of the message that is given by the issuance of sanctions.

Staff explained the graduated levels of sanction, beginning with education and assistance and subsequent violations resulting in assessment of penalties. Violations are clearly listed as separate incidents, so are assessed as such. Also, OAR allows for stipulated settlements by staff; allowing individuals to come into compliance and pay a reduced civil penalty.

It was suggested that the OAR be changed to reflect periods of time that individuals cannot reapply if found in violation of the ORS or OAR.

Teresa Naugle explained how assessed penalties are reflected as revenues in the private security budget, inflating income figures. The assessments are moved into a “doubtful accounts” after a period of time in which no payments have been made.

It was asked that staff obtain an interpretation from the Assistant Attorney General regarding the meaning of “per occurrence and per violation” and if our practices exceed statutory authority.

It was suggested by Paul Castleberry to assess \$1,500 for the violation in item “D”.

Ernie Loy moved that the discussion about item “D” be tabled to a future meeting and directed staff to seek interpretation about assessments, “violations and per occurrence”. Seconded by William Geiger. Motion passed unanimously.

Ernie Loy moved that staff seek payroll records from the employing venue in item “D”. Motion seconded by Shawn Cardwell. Motion passed unanimously.

### **Discussion Item**

Chair Martin requested that the committee review guest comments in the minutes from the February 17, 2009 meeting. There was a request for action by the policy committee, which the committee had overlooked. Mr. Preston Williams requested that the committee consider a waiver to the OAR that does not allow an individual to reapply within four years of denial or revocation. It was determined that the committee had no authority to waive the OAR. Chair Martin will send a reply.

#### **4. Subcommittee Reports**

- A. Administrative Rule subcommittee: Chair Martin reported that the committee is making progress and moving along. There will be another meeting scheduled for June.
- B. Accreditation subcommittee: No Report
- C. Curriculum subcommittee: Judy Pongratz reported that two meetings are scheduled in June for curriculum review. Information has been sent out on the list serve, there will be a meeting in Portland on June 2, 2010 and in Eugene on June 3, 2010. Mike James continues to work with subject matter experts to rewrite the curriculum
- D. Armed subcommittee: Shawn Cardwell has volunteered to chair the armed subcommittee until an appointment can be made.
- E. Alarm Monitor- James Essam reported that the subcommittee has almost agreed upon a definition for OAR the industry will begin working on curriculum for accreditation.
- F. Investigator subcommittee: Phillip Agrue and Arthur Smith reported that new identification cards have been selected for investigators. Teresa Naugle thanked Oregon Association of Licensed Investigators for the generous donation of ribbon and cards used for the new identification. Teresa also explained the process and challenges for issuance of new cards. The process will be finalized and provided to constituents. The committee is also working on the updating of the test and considering a change in OAR to require that the PSID number be recorded on all documents submitted by PI's.
- G. Unarmed subcommittee: No Report
- H. Moral Fitness subcommittee: Ernie Loy relayed that the group had been expanded to include those who responded to a request for more participation. There has been substantial progress made in core values. The committee will meet again on June 15, 2010.

#### **5. Department Update**

Karen Evans reported on numbers of cases, penalties, revocations and civil penalties assessed and collected in 2009-2010.

Teresa Naugle provided an update on the query able database. She and the Director will be going before the Oregon Legislature Ways and Means Committee on May 25, 2010, to present the change in planned expenditures. The Statement of Work for the project has

been completed and this document is required for any contract awarded by the state. It is thought that we will have the ability to sole source and work with our current vendor.

Teresa Naugle also relayed information about an Oregon State Police Identification Division presentation; wherein a significant rate increase was proposed. She explained that a \$14 increase per fingerprint card processing is being proposed and a \$1 per transaction fee for each LEDS transaction is also being proposed.

6. **Next Private Security/Investigators Policy Committee Meeting is August 17, 2010, at 1:30 p.m. at DPSST, 4190 Aumsville Hwy SE, Salem, OR 97317.**

Meeting adjourned at 3:25.