

Private Security/Investigators Policy Committee
DRAFT Minutes
September 2, 2020

The Private Security/Private Investigators Policy Committee of the Board on Public Safety Standards and Training held a meeting on Wednesday, September 2, 2020 at 1:30 p.m. in the Boardroom at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE Salem, Oregon. Chair Thomas Thomas called the meeting to order at 1:30 p.m.

The Private Security/Investigator Policy meeting was livestreamed on the DPSST Facebook page
@<https://www.facebook.com/DPSSTOregon>

Committee Members:

Thomas Thomas, Chair, Private Security Industry (webex)
Michael Holsapple, Private Investigator
Fred Kuest, Private Business or Governmental Entity That Utilizes Private Security Services (webex)
Daniel Lenzen, Hospitality Representative (webex)
Melvin Levinson, Alarm Monitor Industry (webex)
Edward Sharpe, Health Care Industry
Richard Valencia, Unarmed Security Representative (webex)
Les Youngbar, Public Member (webex)

Absent Committee Members:

Myron Sanders, OSB Appointed
William “Mac” McKnight, Armed Security Representative

Guests:

No guests attended the meeting

DPSST Staff:

Linsay Hale, Professional Standards Division Director
Suzy Herring, Program Manager
Jennifer Howald, Rules Coordinator
Michelle Morrison, Background Specialist
Mona Riesterer, Executive Support Specialist



1. Introductions

Introductions of those in attendance.

2. *Minutes – February 18, 2020

Approve the minutes of the February 18, 2020 Private Security/Private Investigations Policy Committee meeting.

- *Thomas Thomas moved to approve the minutes from February 18, 2020 Private Security/Private Investigator Policy Committee meeting. Edward Sharpe seconded the motion. The motion carried unanimously.*

3. *Proposed Rule Changes for OAR 259-060-0130: Adding Reference for Event and Entertainment Private Security Professional

Presented by Jennifer Howald

At the beginning of this year the Board approved the adoption of the new private security professional certification, the Event and Entertainment Private Security Professional. After DPSST completed the rule changes necessary to implement the new certification, staff found one additional rule reference that DPSST missed during that initial rule change process. Memo provides a rule change for correcting OAR 259-060-0130. There were no fiscal impacts identified for implementing this correction.

The policy committee did not have any amendments.

- *Les Youngbar moved to recommend that the Board adopt the recommendation of the additional reference for the event and entertainment private security professional certification as proposed and approve filing the proposed rule change prepared for OAR Chapter 259 Division 60 as a permanent rule. Michael Holsapple seconded the motion. The motion carried unanimously.*

4. *Proposed Rule Changes for OAR 259-060-0500 and OAR 259-061-0010: Overpayment of Amount Due

Presented by Jennifer Howald

These rule changes are addressing how fees for certifications and licenses are processed when the applicant is submitting a payment that is more than the required fee amount. Under current processes, if DPSST receives more than the required amount, the entire payment is returned to the applicant unprocessed. While returning the payment helps DPSST manage its operational costs, it is not an ideal process for managing applications for certification and licensure because returning the payment results in application deficiencies and repeated handling of the application by staff. Returning the payment unprocessed also causes delays in issuing the certification or license to the private security provider or investigator and that may impact the applicant's ability to work. To improve the efficiency for applications, the Department recommends adopting rules that establish rules for processing overpayment.

The rule change proposes that when the required payment received is more than ten dollars over the required amount, DPSST will continue to return the entire payment back to the payee and require the correct amount be re-submitted before DPSST will complete that certification or license application. If the payment received is ten dollars or less over the amount that is due, DPSST will continue to process the application. The applicant will have the ability to request a refund of that overpaid amount in writing. In addition to establishing a process for those overpayments, each of the rules was re-written for clarity and efficiency with the re-write making no changes to the existing fee amounts.

DPSST estimates a neutral fiscal impact for the Department, the true cost for issuing the overpayment refunds won't be known until there has been time to measure how many requests have been received, but the benefit is greater efficiency for staff as they process applications. There were no other state agencies or units of local government identified as being likely to be effected by the rules and as for small business or the entities that employ those providers may be considered small businesses and the majority of individual private investigators may be considered small businesses. The Department estimates that the process change to accept the overpayment will cost the applicant less than the delayed issuance of their certification or license and the time, effort and cost with re-submitting the correct payment amount.

- Question from Michael Holsapple - How did the Department come up with ten dollar amount? Jennifer Howald and Suzy Herring explained through commonality and review of other state agency policies and review of Department fees. Linsay Hale noted that most state agencies

*** Agenda items require a vote by the Committee.**

policies state twenty-five dollars however, it there was consideration of the common base wage of private security providers for the ten dollar amount, being closer to minimum wage.

There were no other comments by the policy committee.

- *Thomas Thomas moved to recommend that the Board adopt the recommendation of the rule changes referencing overpayment of amounts due and approve filing the proposed rule changes prepared for OAR Chapter 259 Division 60 as a permanent rules. Edward Sharpe seconded the motion. The motion carried unanimously.*

5. *Proposed Rule Changes for OAR Chapter 259 Division 60: Updates to the Private Security Provider Moral Fitness and Denial/Revocation Standards

Presented by Jennifer Howald

During the last PSIPC meeting, which was in February, DPSST provided recommended changes to the private security moral fitness and denial/revocation standards. As noted in the overview of the memo, the recommended changes included amending the convictions that required the mandatory denial or revocation, eliminating a permanent ineligibility for those mandatory convictions, amending the definitions of moral fitness, separating the discretionary disqualifiers based on the type of certification or license, amending the discretionary disqualifying review periods based on the type of certification or license, amending the department review process and dividing the one rule into multiple specific purpose rules to ease the readability and the ability to make reference citations. Staff included a complete copy of the memo from February this included the proposed rule changes and the detailed descriptions of the recommended changes. PSIPC voted in February to approve the recommended rule changes and forward to the Board. It was explained that there would be a review of public comment before the rules went to the Board. DPSST filed those proposed rule changes in February and the public comment period was initially set to go through March. There was also a public rule making hearing which was scheduled for that same time period in March. With the onset of COVID, the public rule making hearing had to be cancelled, so in recognition to everything which was happening due to COVID, DPSST re-filed the proposed rule changes and extended the comment period through June 30th. Through that time, DPSST did not receive any public comments. Today, DPSST recommends that the PSPIC approve the recommendations to the Board to adopt the changes to the Private Security moral fitness and denial/revocation standards and approve filing those proposed rule changes to the Rule Division as permanent rules.

Linsay Hale clarified the agenda item was to adopt the recommended changes to the moral fitness and denial/revocation standards and approve filing the proposed language as permanent rules. This would be a recommendation to the Board and would go the Board in October.

- *Thomas Thomas moved to recommend that the Board adopt the recommendation of the rule changes. Melvin Levinson seconded the motion. The motion was affirmed by five votes. Two voted to deny and one vote was abstained.*

6. Department Update

Presented by Suzy Herring

- Several staff are teleworking (Sherry Elward, Karen Evans, Carissa White and Coy Alexander).
- Vacancy with the Office Specialist position: This position has been temporary filled and a recruitment will not be posted at this time.
- Rob Meeks retired, leaving a vacancy which has an open recruitment posted.
- Additional items added to iLearn and trainings via Web-Ex.

*** Agenda items require a vote by the Committee.**

- Noted success with the four day instructor course, completed the second class this month. There is a wait list for classes as there are no other course scheduled at this time.
- Coy Alexander is working on online informational trainings.
- Filing permanent COVID rules and accommodation of extension of armed annual training through the end of the year.
- Governor Brown notified DPSST submitted appointments for senate confirmation for our vacancy on the Board and this will be heard on September 24th at the senate rules committee.
- Legislative concepts previously voted on, were submitted and we received information back on two of these within the last couple of days and will take the time to review those thoroughly and if necessary make comments.
- Suzy reminded all that there are still vacancies for the policy committee.

Linsay Hale commented on legislative concept review adjust Private Investigator application process to take specified information out of statute, giving the Board the ability to adopt a new rule. We had a concept move forward on the uniform cars, badges and title of security providers so that they do not seemingly attempt to imitate law enforcement. We had another concept on entities that provide security services so that we can, as a regulatory body, make sure that our private security entities have the appropriate insurance, use of force policy, citizen arrest policy. These three concepts were approved by the Board, by DAS and the governor's office and were drafted. As Suzy mentioned, we will be working with the legislative council to prepare the drafts for the 2021 session. Linsay reminded all of the focus on public safety at this time. Linsay further asked if there were any questions or further discussion.

- Edward Sharpe had a question regarding Event and Entertainment application numbers, Suzy is to provide numbers at next meeting.
- Fred Kuest had a question regarding legislative concepts and if policy committee members can testify as a citizen, yes they can (clarified that not as a policy member).
- Linsay Hale welcomed Michael Hollsopple to the committee.

7. Next Regularly Scheduled Meeting – November 17, 2020 at 1:30 p.m.