

Private Security/Private Investigator Policy Committee

Minutes

May 16, 2017

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a meeting on Tuesday, May 16, 2017, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Bill Geiger called the meeting to order at 1:30 p.m.

Attendees:

Committee Members:

Bill Geiger, Chair, Private Security Industry
Raymond Byrd, Vice Chair, Private Security Industry
Mark Rauch, Public Member
Jeremy Grahn, Retail Industry
Carol Coates, Healthcare Industry
Jimmie Edmonds, Alarm Monitor Industry (phone)
Michael Snyder, Unarmed Security Industry
Donovan Beard, Armed Security Representative
Fred Kuest, Private Business/Governmental Entity
Steven Swenson, Private Investigator

Members Absent:

Eric Morse, Manufacturing Industry
Chris Bloom, Investigator, OSB Appointed

DPSST Staff:

Eriks Gabliks, Director
Suzy Herring, Private Security Private Investigator Program Manager
Mona Riesterer, Professional Standards Assistant
Jennifer Howald, Rules Coordinator
Karen Evans, PSPI Investigator
Julie Johnson, PSPI Compliance Specialist
Kristine Boatman, PSPI Compliance Specialist
Carissa White, Compliance Investigator
Rob Meeks, Training and Development Specialist/PSPI

Guests:

Philip Agrue – PI License



1. Introductions

Introductions of members, guest and staff were presented.

2. ***Minutes of November 15, 2016 and December 9, 2016**

Approve meeting minutes from November 15, 2016 and December 9, 2016

To see a complete record of the Private Security/Investigator Policy Committee minutes, please go to:

<http://www.oregon.gov/dpsst/BD/pages/pspipolicycommitteemeetingminutes.aspx>

J) *Ray Byrd moved to approve the minutes from November 15, 2016 and December 9, 2016 Private Security/Investigator Policy Committee meeting. Mark Rauch seconded the motion. The motion carried unanimously.*

3. **Proposed Rule Change for OARs 259-060-0015, 259-060-0030 & 259-060-0450 – Adds a Violation for Misrepresentation as an Agent/Employee of DPSST and Clarifies Authority to Determine a Moral Fitness Violation.**

Presented by Jennifer Howald

DPSST staff presented draft rule changes to address identified issues: technical errors in the placement of qualifying language that identifies and lists misdemeanor crimes that result in mandatory denial, suspension or revocation, misrepresentation including when a provider used the Department logo or their license or certification to imply or claim that they are an agent, authorizing representative or an employee of the Department and clarifying authority in determining a violation of the Private Security Services Providers Act.

J) *Carol Coates moved to recommend amending the draft rule language for OARs 259-060-0015, 259-060-0030 and 259-060-0450 to include the following changes; Section 8 (a) - keeping the strike through text and removing the word preponderance As well as adding the word “exclusive power” under 259-090-0030 (2) and to direct staff to develop OAR language implementing the PSIPC’s proposed amendments or the alternative recommendation for presentation to the Board. Fred Kuest seconded the motion. The motion carried unanimously.*

By consensus the committee found no fiscal impact to small businesses.

4. *** Review PSIPC Unarmed Representative Interest Forms**

Agenda item pulled per Chair, Bill Geiger

5. ***Hartman, Rita PSID # 5125, District Security Health & Safety, McMenamins/Crystal Ballroom, Alert Security Asset Protect dba Cero’s, The Analog Café/DRD Record and Event Services; Supervisory Manager License, Unarmed Instructor Certification and Unarmed Professional Certification.**

Presented by Karen Evans

Rita Hartmann assisted student(s) while completing their exam and falsified the Form PS-6 indicating, that she did not provide assistance. Both matters are in violation of Oregon Administrative Rule (OAR).

Steve Swenson moved to adopt the staff report and exhibits as the record upon its recommendation are based. Mark Rauch seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Hartman's behavior did involve **Aggravating Circumstances** based upon this behavior occurring in the past. Rita Hartmann had a similar violation several years ago.

By discussion and consensus, the committee determined that Hartmann's behavior did not involve any **Mitigating Circumstances**.

Mark Rauch moved to assess a civil penalty in the amount of \$1,500 for violation of OAR 259-060-0450(2)(c), and therefore makes a recommendation to the Board. Ray Byrd seconded the motion. The motion carried unanimously.

Mark Rauch moved to revoke the Unarmed Instructor Certification including all certifications involved with Private Security/Investigator (Supervisor, Manager, and Unarmed Professional) for violation of OAR 259-060-0060(5), and therefore makes a recommendation to the Board. Fred Kuest seconded the motion. The motion carried unanimously.

6. ***Mercer, Mark PSID 33075, Eclipse Security Professionals; Executive Manager License, Armed/Unarmed Professional Certification**

Presented by Carissa White

For the record, Fred Kuest stated he is an acquaintance of Mark Mercer, but feels that he will be able to make a fair judgment on the case presented.

Mercer, a licensed executive manager for Eclipse Security Professionals, employed individuals to provide armed private security services as defined by OAR 259-060-0010(5) without armed private security professional certifications. Mercer performed armed security services as defined by OAR 259-060-0010(5) without armed private security professional certification. Both are violation of Oregon Administrative Rule (OAR).

Steve Swenson moved to adopt the staff report and exhibits as the record upon which its recommendations are based. Donovan Beard seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Mercer's behavior did involve **Aggravating Circumstances** by the clear statements of deception and dishonesty in his responses to the notices and Mercer's claim that he verified his staff's certification using IRIS (Information Records Inquiry System).

By discussion and consensus, the committee determined that Mercer's behavior did not involve any **Mitigating Circumstances**.

Mark Rauch moved to assess a civil penalty in the amount of \$1,000 for violation of OAR 259-060-0130(3), and therefore makes a recommendation to the Board. Steve Swenson seconded the motion. The motion carried unanimously.

Mark Rauch moved to assess a civil penalty in the amount of \$1,000 for violation of OAR 259-060-0130(10), and therefore makes a recommendation to the Board. Carol Coates seconded the motion. The motion carried unanimously.

After discussion from the members of the Private Security/Investigator Policy Committee, the general consensus was to have staff review the case of Mercer for revocation and bring it back to the policy committee for review.

Donovan Beard moved to recommend to the Private Security Policy to review the case and have brought back to the policy committee for review of revocation. Steve Swenson seconded the motion. The motion passed unanimously.

7. Department Update:

Suzy Herring presented:

Kristine Boatman has recently been hired to fill the position of Compliance Specialist 1. This leaves her position of Office Specialist vacant. The position has been posted and will be open for two weeks. The Department is hoping to fill the position as quickly as possible.

The Governor has mandated a reduction in travel due to a budget deficit involving all state agencies. The department will still continue to travel for business as long as there is a need.

There is a current vacancy for the Hospitality Industry position and opening soon the Health Industry position. Recruitments are under way to have the positions filled.

The Private Security Workshop is scheduled for Monday, May 22nd held at Department of Public Safety Standards & Training. Each staff member will be focusing on training, registration, revocation & denial and compliance checks. The workshop will run from 12:00 - 5:00 p.m.

The Department is now emailing deficiencies out to individuals and companies. The feedback has been very positive from staff and private security providers who were able to clear their deficiencies within a couple of days.

The Department has almost completed the webinars for the updated unarmed curriculum. There were 268 individuals that attended the webinars or the class to get the updates. There are still 14 individuals that are scheduled for upcoming classes, 13 will expire before the cutoff date and 53 individuals still need to complete the update. Unfortunately if the individuals do not complete the update, they will not be able to continue to teach until they attend the course.

The Private Investigators have changed the process for their orientation. Rob Meeks has been conducting the orientation in our DPSST computer lab which is running approximately 1 ½ hours. The tests are being completed on the computer and the individuals are receiving their results immediately. The feedback has been very positive as their previous testing was done with notebooks.

The Private Security/Investigator newsletter will be coming out in late June.

Julie Johnson has been diligently working on the display case in the front lobby to showcase the “Face of Private Security”. Next time you are in the front lobby be sure to check out the showcase.

Karen Evans will be presenting at the American Society for Industrial Security on May 25, 2017. Karen will be presenting a 20 year review as this is the Private Security Program’s 20th anniversary.

Senate Bill 39 and 40 will have their third reading on May 17, 2017 on the house side. The bill includes the armed suspension for individuals that do not maintain annual training as well as the fingerprint authority.

Suzy has been working with our IT director and management within the agency to look at what programs best fits our needs to potentially provide online training or different segments of online training. More information will follow.

Suzy presented the policy members with the option to receive PSIPC documents electronically for future meetings as opposed to receiving them in a booklet. The option will still be available to receive a hard copy but for those that would like to read the material on their laptop or computer, the option will be available as well.

Subcommittee reports:

Armed Subcommittee –

Donovan Beard reported that the Armed Subcommittee has been working on developing an private security firearms instructor development program for the state of Oregon. The members of the subcommittee have been working diligently with staff and CJCT to implement a new curriculum.

Private Investigator –

Steve Swenson reported that the group has not had any meetings recently. The subcommittee is looking at an approximate date of July to meet.

Events & Entertainment

Bill Geiger announced to the members that Randy Scott submitted his resignation to the policy committee. Recruitment for the position has been posted.

Rob Meeks gave a short debrief of the subcommittee's progress. The subcommittee members voted to change the name to Events and Entertainment Subcommittee. Discussions have included establishing a new curriculum. The group has discussed the possibility of curriculum that would be very specific to their industry. The subcommittee has met with OLCC and the State Fire Marshall for feedback on what the curriculum should include. It was been recommended by one of the subcommittee members that an outside subject matter expert be contacted. The members agreed that this would provide much insight on the direction of the curriculum. Rob Meeks has been in contact with the subject matter expert to coordinate a time when he will be available to come to the next Events & Entertainment subcommittee meeting.

Unarmed Subcommittee

Mark Rauch presented that the revamping of the unarmed curriculum essential course has been approved and is in the process of being brought forward. The curriculum has been beta tested and the members have been working on identifying a few of the test questions that need to be reviewed and reworded for clarity. The information has been beta tested and the members have been working on updating the wording on the test questions. The subcommittee members will continue to look at instructor qualifications and reviewing the process.

Alarm Monitor

Jimmie Edmonds reported that there have not been any topics of discussion at this time.

Bill Geiger presented a certification of appreciation to Carol Coates and Mark Rauch for the participation on the Private Security/Investigator Policy Committee. Bill thanked both Mark and Carol for their dedication and volunteering their time to the policy/subcommittees and wishes them the very best.

8. Next Regularly Scheduled Meeting – August 15, 2017 at 1:30 p.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*