

# **Private Security/Private Investigator Policy Committee**

## **Minutes**

### **November 15, 2016**

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, November 15, 2016 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  
Donovan Beard, Armed Security Representative  
Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services  
Carol Coates, Healthcare Industry  
Jimmie Edmonds, Alarm Monitor Industry (via phone)  
Jeremy Grahn, Retail Industry  
Eric Morse, Manufacturing Industry (via phone)  
Mark Rauch, Public Member  
Michael Snyder, Unarmed Security Industry (via phone)  
Steven Swenson, Private Investigator

##### **Members Absent:**

Randall Scott, Hospitality Industry  
Ron Miller, Private Investigator

##### **DPSST Staff:**

Eriks Gabliks, Director  
Linsay Hale, Professional Standards Division Director  
Mona Riesterer, Professional Standards Assistant  
Suzy Herring, Program Manager  
Carissa White, Compliance Investigator  
Rob Meeks, Training and Development Specialist/PSPI  
Theresa King, JTA and Training Compliance Program Coordinator  
David Beatty, DPSST Traffic Safety Coordinator

##### **Guests:**

Fred Kuest, Portland Public School Dist.  
Jorge Macias, Private Investigator



**1. Minutes of May 17, 2016 Meeting**

Approve the minutes of the May 17, 2016 Private Security/Investigators Policy Committee meeting.

To see a complete record of the May 17, 2016 Private Security/Investigators Policy Committee minutes, please go to:

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

Mark Rauch moved that the committee approve the minutes of the May 17, 2016 Private Security/Investigators Policy Committee meeting. Donovan Beard seconded the motion. The motion carried unanimously.

**2. \*OAR 259-060-0010 – Proposed Rule Change; Amends definition of “Alarm Monitoring Facility” to exclude a facility that provides temporary services during an outage or emergency**

Presented by Jennifer Howald

Jennifer reported that the proposed rule language provides an update to the definition of “Alarm Monitoring Facility” by adding an exception to recognize temporary transfers of alarm monitoring services to an alternate alarm monitor facility during an outage or an emergency.

*) Steve Swenson moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Ray Byrd seconded the motion. The motion carried unanimously.*

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

**3. \*OAR 259-060-0015, 259-060-0130, 259-060-0450 and 259060-0600 – Proposed Rule Change; Review of public comment regarding proposed rule language to amend and adopt responsibilities and compliances regarding use of prohibited business name per HB 4142**

Presented by Jennifer Howald

Jennifer reported that two public comments were received relating to the proposed rule change amending language in OAR 259-060-0015, 259-060-0130, 259-060-0130, 259-060-0450 and 259-060-0600 written to comply with the provisions of HB 4142 and to clarify executive manager responsibilities. These comments were reviewed and the proposed rule language amended to better mirror the provisions of HB 4142, specifically the definition of “employer”.

*) Steve Swenson moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Mark Rauch seconded the motion. The motion carried unanimously.*

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

4. **\*OAR 259-061-0010 and 259-061-0110 – Proposed Rule Change; Amends rule language regarding the application and process for temporary investigator licensure**

Presented by Jennifer Howald

Jennifer reported that during meetings in 2015, the Private Investigators Subcommittee discussed the statutory requirement regarding reciprocity. The committee members expressed concern that out-of-state investigators cannot meet the statutory requirement for reciprocity due to the fact that their state's requirements must be substantially similar to Oregon's requirements. DPSST staff research found that while many states have similar licensing requirements to Oregon, most do not have continuing education requirements that would be considered "substantially similar". Over the course of several subcommittee meetings, the Private Investigator Subcommittee member's reviewed research collected on other state's requirements for reciprocity and temporary licensure as well as draft administrative rule language for temporary licensure.

) *Mark Rauch moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Steven Swenson seconded the vote. The vote carried unanimously.*

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

5. **\*OAR 259-091-0018 – Proposed Rule Change; Amends rule language regarding the expert witness application and process for temporary investigator licensure**

Presented by Jennifer Howald

Jennifer reported that in 2012 DPSST received a constituent request to provide DPSST's interpretation and application of ORS 703.407. Based on advice received from the Department of Justice (DOJ) in March 2015, DPSST facilitated the rule making process with the Private Investigator Subcommittee, the Private Security Investigator Policy Committee and the Board to amend OAR 2596-061-0018 with the intentions of providing clarifying rule language regarding the expert witness exemption from licensure as a private investigator.

) *Mark Rauch moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Donovan Beard seconded the motion. The motion carried unanimously.*

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

6. **2016 Unarmed Private Security Training Course, Unarmed Private Security Refresher Course, Unarmed Private Security Instructor Notes, and discussion surrounding training hours**

Presented by Rob Meeks

Rob reported that the Oregon Revised Statute (ORS) 181A.870 requires the Department in collaboration with the Private Security Investigator Policy Committee, recommend for approval by the Board the content of and standards for all training courses and testing required for certification as a private security professional and the standards for all instructors providing training. The 2016 Unarmed Private Security Training Course, Unarmed Private Security Refresher Course, and the Unarmed Private Security Instructor notes were presented to the Policy Committee for review. Staff requested permission to periodically alter questions slightly if needed for clarification or an update to an ORS or OAR. Staff will at no time substantially alter any questions or answers without PSIPC and Board approval.

) *Carol Coates moved to recommend to the Board filing the proposed Unarmed Private Security Training Course, Refresher Course and Instructor Notes to the Board on Public Safety Standards as amended with the definition of “National Best Practices Recommendation Option under Active Shooter”, redefined, to the Board on Public Safety Standards and Training. Steve Swenson seconded the motion. The motion passed 9-2, with Donovan Beard and Michael Snyder voting nay. The discussion on test questions was tabled for a later meeting.*

**7. \*Kor, Daniel PSID #03990 – Bravo Event Services Inc.; Civil Penalty**

Presented by Carissa White

The case presented to the Private Security/Investigator Policy Committee is whether or not to assess a civil penalty of \$1000 pursuant to OAR 259-060-450, for violation of OAR 259-060-0145(2)(a) by employing individuals to provide crowd management services as defined by OAR 259-060-0010(11) without the required one certified private security professional on-site for every 10 or fewer crowd management or guest services staff pursuant of OAR 259-060-0145(2)(a).

) *Jeremy Grahn moved that the Private Security/Investigator Policy Committee adopts the staff report as the record upon which its recommendations are based. Mark Rauch seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee determined that Daniel Kor’s behavior did involve Aggravating Circumstances by being a licensed owner of a business for six years, as well as attending three manager courses, he should be aware of the requirements that need to be met for guest service staff. The policy committee felt that Kor’s explanation fell short for mitigating circumstances.

By discussion and consensus, the committee determined that Daniel Kor’s behavior did not involve any Mitigating Circumstances.

) *After considering the totality of the circumstances, Steven Swenson moved that the committee finds Mr. Kor’s conduct does warrant the assessment of a \$1000.00 civil penalty, and therefore makes a recommendation to the Board. Jeremy Grahn seconded the motion. The motion carried unanimously.*

## 8. Subcommittee Reports

- J Armed Subcommittee – Donovan Beard, Chair  
Donovan reported that the Armed Subcommittee has been working on an Armed Instructor Development program. The subcommittee has reviewed the prerequisites to make sure the information is consistent with in the industry as well as the Armed Industry. The topics have been reviewed and the members are working on gathering content. The next subcommittee meeting will consist of putting the material together to be presented by March 2017.
  
- J Private Investigator – Steve Swenson  
Steven reported that the subcommittee has been working on housekeeping items. No new items at this time.
  
- J Alarm Monitor Subcommittee – Jimmie Edmonds, Chair  
Jimmie reported that the subcommittee has no new items to report at this time.
  
- J Event Security/Hospitality – Chair, Randy Scott was not present to report.
  
- J Unarmed Subcommittee – Based on the 2016 Unarmed Private Security Training Course, Refresher Course, and Instructor Notes that was presented to Private Security/Investigator Policy Committee, the Unarmed Subcommittee has no other items to report at this time.

## 9. Department Update:

Suzy Herring reported:

The Private Security/Investigator newsletter is active and on the website. Staff is working on getting a current newsletter up soon on the website.

The Department is looking at updating the PSPI forms to give individuals the options to be contacted through Listserve. After the first of the year, all forms will request an email for notification purposes. This will assist in providing constituents with up to date information as well as deficiencies notices rather than mailing them out.

Fingerprint fee has gone down to \$40.00. The department has been diligently sending out notices to let everyone know. There was been a small number of overpayments in which refunds checks have been sent out.

Hard cards are being issued daily and the department has been receiving positive feedback on their appearance.

Education letters will be taking the place of the term “warning letter/notice of violation”. We want our individuals to know that this is a courtesy notification to the individuals as well as managers on missing information or notifications.

The Private Investigator website has been updated. The website is much like the Private Security website. We have also created a process that will enable the private investigators to utilize DPSST’s computer lab to complete private investigator exams here at the agency. They will have all the resources on the computer rather than the notebooks that were previously printed out. This will also allow the department to monitor the test question, failure rate, etc.

The Private Investigator orientation is not a mandated, rather they have the option to come in 45 minutes before the exam and attend an orientation that is provided by staff if they so choose. We moving towards having this orientation available to view online for individuals that wish to participate in the orientation.

The Event/Hospitality Subcommittee will be recruiting for additional members.

Carissa White was a successful candidate for the Compliance Investigator position. She will cover the Salem/Portland/Metro area.

Jennifer Elliot has been hired to fill the Compliance Specialist position.

Jennifer Howald has filled the position of the Administrative Rules Coordinator.

Jorge Macias has been selected as a new member for the Private Investigator Subcommittee as well as Shawn Jewel for the Armed Subcommittee.

Ron Miller has officially resigned leaving his position open on the Private Security/Investigator Policy Committee as well as the Private Investigator Subcommittee. His position is recommended from the Oregon State Bar, and staff is working to fill the position after the first of the year.

The PS-24 Executive Manager form has been revised to reflect HB 4142 and will be available on the website.

Chair, Bill Geiger wanted to thank the Unarmed Subcommittee for the work and effort that has been put into the curriculum that was presented to the members.

**10. Next Regularly Scheduled Meeting – February 21, 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](mailto:dpsst.records@state.or.us).*