

Private Security/Private Investigator Policy Committee Minutes November 17, 2015

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday November 17, 2015 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
Jimmie Edmonds, Alarm Monitor Industry (via phone)
Jim Gibson, Private Investigator
Ronald Miller, Investigator (OSB Appointed)
Judy Pongratz, Retail Industry
Mark Rauch, Public Member
Donovan Beard, Armed Security
Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services
Carol Coates, Healthcare Industry
Randall Scott, Hospitality Industry
Eric Morse, Manufacturing Industry (via phone)

Absent:

Paul Castleberry, Armed Private Security Professionals
Michael Snyder, Unarmed Security Industry

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Suzy Herring, PS/PI Interim Program Manager
Carissa White, PS/PI Compliance Specialist
Sharon Huck, Rules Coordinator
Karen Evans, Investigator/Instructor
Julie Johnson, Compliance Specialist

1. *Minutes – August 18, 2015

Approve the minutes of the August 18, 2015 Private Security/Private Investigations Policy Committee Meeting

Mark Rauch moved that the committee approve minutes of the August 18, 2015 Private Security/Investigators Policy Committee meeting. Jim Gibson seconded the motion. The motion carried unanimously.

To see a complete record of the August 18, 2015 Private Security/Investigators Policy Committee minutes, please go to:

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

2. ***OAR 259-060-0060, OAR 259-060-0120 and OAR 259-060-0135 – Armed Annual Refresher Course-Proposed Rule Change.**

Presented by Sharon Huck

At the request of the Armed Subcommittee, the rules have been updated to clarify that the certification of armed private security professionals and firearms private security instructors who fail to complete the required annual training within 90 days of their certification anniversary date will be subject to revocation. The rule change also clarifies that armed professionals and firearm instructors who fail to complete the annual training will be required to complete basic training in its entirety.

Mark Rauch recommended filing the proposed language for OAR 259-060-0060, OAR 259-060-0120 and OAR 259-060-0135 with the Secretary of State as a permanent rule if no comments are received. Donovan Beard seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

3. ***OAR 259-061-0010, 259-061-0160, OAR 259-061-0170, OAR 259-061-0250 – Inactive Status; Proposed Rule Change, Public Comment, Research Review**

Presented by Sharon Huck

This proposed rule change amends the current language to clarify the statutory requirements regarding inactive status and submitting a renewal application packet, including applicable fees and continuing education requirements. This includes combining all inactive status requirements under OAR 259-061-0160 and repealing 259-061-0170 and 259-061-0250 as well as housekeeping.

This proposed rule was filed with the Secretary of State on April 30, 2015 and was open for public comment. The public comment was received and the Subcommittee requested that staff perform additional research regarding the administrative process regarding inactive status.

On August 18, 2015 the Private Investigator Subcommittee reviewed the public comment received and the research regarding inactive status. The Subcommittee decided it would be

appropriate to remove the \$50.00 fee for application of inactive status. The Subcommittee recommended approving the amended rule language to the PSIPC.

Jim Gibson recommended filing the proposed language for OAR 259-061-0010, OAR 259-061-0160, OAR 259-061-0170 and OAR 259-061-0250 with the Secretary of State as a permanent rule if no comments are received. Mark Rauch seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

4. *OAR 259-061-0018 and OAR 259-061-0300 – Proposed Rule Change; HB 3487

Presented by Sharon Huck

This proposed rule change amends OAR 259-061-0018 and OAR 259-061-0300 to comply with the provisions HB 3487 requiring all advertisements for investigatory services include a DPSST license number and adds the requirement that all contracts for investigatory services contain the name and DPSST number as requested by the legislature. It also clarifies the private investigator conduct requirements (ORS 703.450) and provides housekeeping.

Jim Gibson recommended filing the proposed language for OAR 259-061-0018 and OAR 259-061-0300 with the Secretary of State as a permanent rule if no comments are received. Donovan Beard seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

5. *2015 Alarm Monitor Training and Testing Measures

Presented by Jimmie Edmonds

The 2015 Alarm Monitor Training and Testing Measures were presented to the Policy Committee for review. The Policy Committee agreed by general consensus to make minor amendments to the verbiage in the Learning Outcome 1 B-2, and the language surrounding discriminatory behavior.

Donovan Beard recommended approving the 2015 Alarm Monitor Training and Testing Measures to the Board with the amended changes. Carol Coates seconded the motion. The motion carried unanimously.

Jim Gibson recommended approval to allow the Alarm Monitor Subcommittee to routinely review and make minor revisions based on industry trends and housekeeping matters. Any substantive updates involving Learning Goals, Learning Outcomes or class hours would be forwarded to the PSPI for review and consideration. Carol Coates seconded the motion. The motion carried unanimously.

6. *Joseph Hernandez, PSID #51239 – Civil Penalty

The issue in this case involves Joseph Hernandez acting as an executive manager and providing security services while not licensed or certified to do so, a violation of the Private Security Providers Act and carries a civil penalty of \$4,500 pursuant to OAR 259-060-0450.

Donovan Beard moved that the Private Security/Investigators Policy Committee adopts the staff report upon which its recommendations are based. Jim Gibson seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee found no **Mitigating Circumstances**. The committee noted **Aggravating Circumstances** include that Joseph Hernandez has previously had multiple cases brought forward to the Policy Committee involving non-compliance and the implied fear and threats by Hernandez.

Jim Gibson moved that the committee find Hernandez's conduct does warrant the assessment of a civil penalty, and therefore recommends to the Board that the penalty be assessed. Randy Scott seconded the motion. The motion carried unanimously.

7. Subcommittee Reports

- **Alarm Monitoring – Jimmie Edmonds, Chair**
Jimmie reported that the main focus of the members has been working on the rewrite of the curriculum.
- **Armed – Donovan Beard, Chair**
Donovan reported that the Armed Subcommittee has been working on piloting the Armed Refresher Program. The subcommittee is looking at the continuing education requirements for instructors. In addition, the group is still reviewing the Armed Curriculum, which is still in discussion.
- **Event Security/Hospitality – Randall Scott, Chair**
Randy Scott reported that he did not have anything to report at this time, as this has been a busy summer because of the season. The subcommittee is looking at meeting in early December.
- **Private Investigator – Ron Miller, Chair**
Ron Miller reported that the PI Subcommittee is approximately 95% done in reviewing/updating the PI Exam. There are a couple of items that needs some polishing and then it should be completed. The subcommittee is also looking at creating a process in which there can be a process to accommodate investigators on out of state cases.

- **Unarmed – Mark Rauch, Chair**

Mark Rauch reported the subcommittee is looking at the current Essentials Course. The subcommittee has taken a look at revising some of the sections, as Mark has done a draft revision on the legal section and introduction. The group will be meeting with in the next couple of weeks to review the draft.

8. Department Update

Linsay Hale reported:

Linsay wanted to formally welcome Eric Morse to the Policy Committee. He is filling the position of the Manufacturing Industry position.

DPSST's leadership recently finished the listening tour. They traveled around the state for the first two week of October, inviting constituents to come and share their frustrations, concerns, and any other comments they might have about DPSST. There were only a few private security and private investigators in attendance. However, the comments were generally positive. Concerns were shared about simplifying the application process and improving the training, both issues DPSST is aware of and working to improve.

2016 legislative session is beginning in February. The Board and DPSST will not have any bills introduced during this session but will be available to have discussions as needed. If there are any concepts that the committee would like to see moved forward for the 2017, the concept will need to be approved by the Board and presented to the Governor's office by April 2016.

There has been discussion at the legislative level as well as concern expressed by constituents regarding private security providers presenting themselves as law enforcement. Currently, There are no limitations in place which the use of terms such as "police" or "public safety" or how uniforms and cars look. There may be legislation introduced addressing this issue in the 2016 session.

Linsay formally welcomed Suzy Herring, who has agreed to take over the management of the Private Security/Investigator program on an interim basis.

The Curriculum Development Position is still vacant. Due to several failed recruitments and Department need, the department has decided to initiate recruitment for a training position only. Linsay formally thanked Theresa King who has been serving as a resource in the interim with the curriculum development.

Eriks Gabliks reported:

With the recent tragedy at Umpqua College, DPSST receives has received an increase in concerns regarding the security in schools. It is a local decision on how the security is handled at a school/college level. A school safety task force has been established by the Legislature that is specifically formed to look at school safety issues. The group is releasing

its report tomorrow and once the Governor has approved it, DPSST will send it out to the Policy Committee members. They worked to develop common definitions, re-implementing a hot line for people to report any rumors or situations that need immediate attention, and a manner to store blue prints of the schools across the state.

9. Next Regularly Scheduled Meeting – February 16, 2016 @ 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.*