

Private Security/Private Investigator Policy Committee

Minutes

May 19, 2015

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday May 19, 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
Paul Castleberry, Armed Private Security Professionals (via phone)
Mona Cato, Manufacturing Industry
Carol Coates, Healthcare Industry
Jim Gibson, Private Investigator
Ronald Miller, Investigator (OSB Appointed)
Judy Pongratz, Retail Industry (via phone)
Mark Rauch, Public Member
Randall Scott, Hospitality Industry
Michael Snyder, Unarmed Security Industry
Donovan Beard, Armed Security
Jimmie Edmonds, Alarm Monitor Industry (via phone)

Absent:

Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Sharon Huck, Rules Coordinator
Karen Evans, Investigator/Instructor
Mona Riesterer, Professional Standards Assistant
Carissa White, PS/PI Compliance Specialist
Monica Walker, Private Security/Investigators Operations Supervisor

Guests:

Brad Ebel, Event Security/Hospitality Subcommittee
Myron Sanders, Private Investigator Subcommittee



1. ***Minutes – March 17, 2015**

Approve the minutes of the March 17, 2015 Private Security/Private Investigations Policy Committee Meeting.

To see a complete record of the March 17, 2015 Private Security/Investigators Policy Committee minutes, please go to:

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

Jim Gibson moved that the committee approve the amended minutes of the March 17, 2015 Private Security/Investigators Policy Committee meeting. Mark Rauch seconded the motion. The motion carried unanimously.

2. **OAR 259-060-0020 Discussion for Proposed Rule Change Education Standard – High School Diploma or GED Requirement**

Presented by Sharon Huck

The committee asked staff to do some research into the education standard to present for discussion for today's meeting. The items for discussion were to continue with the standard as is, develop a waiver process for experience in lieu of education, eliminate the education requirement, or table the education requirement discussion until all the Private Security Subcommittees are formalized.

By unanimous consensus, the Policy Committee agreed to table the discussion until discipline-specific recommendations can be made by the Subcommittees.

3. ***OAR 259-060-0010, 259-060-0015 & 259-060-0145 Proposed Rule Change; Crowd Management and Guest Services**

Presented by Sharon Huck

During meetings on December 3, 2014, February 11, 2015, and March 11, 2015, subcommittee members met and discussed the statutes and Oregon Administrative Rules (OAR) regarding crowd management. Committee members requested that staff assist by analyzing the statute and the current OAR's to determine the best way to define both the crowd management exemption and DPSST's regulatory process. The committee recommended the definition of crowd management be clarified to exclude physical pat down searches.

After much discussion, Mike Snyder moved to file the proposed language for OAR 259-060-0010, 259-060-0015 and 259-060-0145, as amended, with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Mark Rauch seconded the motion. The motion carried 10 aye, and Randy Scott and Judy Pongratz, nay.

Randy Scott noted for the record the significant fiscal impact the amended language would have on small businesses due to the increase of certified personnel which would become too big for small businesses. The Event Security/Hospitality Subcommittee will work to mitigate this impact through development of an event security/hospitality certification level.

Jim Gibson moved to authorize Director Gabliks to approve the immediate filing a temporary rule for OAR 259-060-0010, 259-060-0015 and 259-060-0145 with the Secretary of State while the permanent rule making process is underway. Mark Rauch seconded the motion. The motion carried 10 aye, and Randy Scott and Judy Pongratz, nay.

4. ***Joseph Hernandez PSID #51239 Civil Penalty**

Presented by Karen Evans

The issue in this case involves the imposition of a civil penalty against Joseph Hernandez providing security services on 10/23/13 while not certified to do so, a violation of the Private Security Provider's Act.

Randy Scott moved that the Private Security/Investigators Policy Committee adopts the staff report as the record upon which its recommendations are based. Michael Snyder seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Joseph Hernandez's behavior did involve **Mitigating Circumstances** in that the violation occurred only a few days after the notice of suspension was issued. The committee noted **Aggravating Circumstances** as defined in the Administrative Rule the number of times certification has been suspended and the admission of working without certification.

Mark Rauch moved that the Policy Committee finds Hernandez's conduct does warrant the assessment of a civil penalty, and therefore recommends to the Board that the penalty of \$250 be assessed. Carol Coates seconded the motion. The motion carried unanimously.

5. **Staff Updates**

Monica Reported:

The phone system for Private Security has been revamped internally. There is now currently three options to choose from now; one option is to speak to a live person, leave a message, or answer general questions. The feedback has been positive by our constituents.

Linsay Reported:

We are moving forward on the process of how we review our complaints. Currently we do not have a consistent complaint process for the Professional Standards division. There are three different units (PS/PI, Criminal Justice and Fire) that are handling their complaints differently. We are working on developing a consistent, transparent process.

We are taking some steps to streamline our initial application for Private Security Certification/Licensure. We are hopeful that we can get this finalized and out soon.

We have been working with, FieldPrint, which is the vendor that has been hired by the Department of Administrative Services to do the Live Scan fingerprints for all the regulatory bodies in Oregon. DPSST has been working with them for several months to get an account set up for Private Security/Private Investigators. The account is set up; we are just waiting to get some test data so we can make sure our process is running smoothly before we roll this out to constituents.

We currently have a vacant OS1 position available in Private Security. Interviews were held last week and we are hopeful we will have a successful candidate and get the position filled soon.

In regards to WebLeds going down, OSP was hosting of this application. When the system crashed it affected approximately 400 agencies across the state. There was a delay in getting applications processed because of the situation, but it has since been resolved. DPSST is caught up on the application process. Linsay wanted to apologize on the record for any problems this may have caused to individuals.

There is a public records order that came out from the AG's office, regarding the release of officer dates of birth from DPSST. The Oregonian has made a public records request for DPSST information, including the dates of birth for law enforcement officers. DPSST feels this is protected information and disagreed with that assessment. This would affect the Private Security industry because as regulatory body, the ruling as it exists, would no longer would allow DPSST to exempt Private Security/Private Investigator dates of birth from disclosure.

The legislative session is moving along. This has been a very busy session. The bill affecting Private Investigation Advertising that would require the DPSST-issued PSID on all advertisements for Private Investigators is expected to pass.

There was a house bill that was introduced “ban the box”. This would prohibit employers from using an application that asks if the individual has ever been convicted of a crime. This bill is still in work session.

Linsay recommended to the Committee that now would be the time to introduce any legislative concepts for the 2016 legislative session to the Board for consideration.

6. Next Regularly Scheduled Meeting – August 18, 2015 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.*