

Private Security/Private Investigator Policy Committee Minutes May 20, 2008

The Private Security/Investigator's Policy Committee (PSIPC) held a regularly scheduled meeting at 1:30 p.m. on May 20, 2008.

Due to issues with the telephonic connection, the meeting start time was delayed. Chair Harold Burke-Sivers called the meeting to order at 1:45 p.m.

Attendees

Committee Members:

Harold Burke-Sivers, Private Security Industry, Chair
Jeff Martin, Private Security Industry, Vice Chair
Brandon Mak, Unarmed Security
Shawn Cardwell, Armed Security
Charles Dorris, Hospitality (telephonic)
William Herrick, Private Investigator (telephonic)
Scott Reilly, Private Business
Judy Pongratz, Retail Industry
Art Smith, Private Investigator
Eric Meyer, Member at Large

Members Absent:

Walt Myers, Health Care
Eric Morse, Manufacturing Industry

Vacant Positions:

Alarm Industry

DPSST Staff :

Brian Henson, Private Security/Investigator Program Manager (telephonic)
Karen Evans, Private Security Investigator/Instructor
Chris Brodniak, Private Investigator Compliance
Heather Gaona, Private Security/Investigator Office Specialist

Guests:

Andrew Helms, Private Security (telephonic)
Derek Bliss, Private Security
Susan Nisbet, Private Investigator



Consent Agenda:

- a. Approval of Minutes February 19, 2008 Meeting (appendix A)
- b. Approval of Minutes March 24, 2008 Telephonic Meeting (appendix B)
- c. Security Professional A: Proposed issuance of civil penalty for working without certification/licensure. (appendix C)
- d. Private Investigator A: Recommend civil penalty – investigator using a non-licensed investigator to conduct investigations. (exempt from public disclosure)
- e. Waiver Request: Private Security applicant requesting waiver of conviction of a criminal disqualifier at time of renewal, pursuant to OAR 259-060-0020.

It was requested that Item D, and Item E of the consent agenda be pulled for further discussion.

A motion was made by Judy Pongratz and seconded by Scott Reilly to approve the consent agenda. Motion passed unanimously, with the recommendation to correct the following: *Please see Appendix*

On the February 19, 2008 minutes, the Curriculum Sub Committee should show that the proposed administrative rule will be posted from March 1, 2008 to March 24, 2008 for public comment, not March 21, 2008 to March 24, 2008 as listed.

Item D of the consent agenda, Private Investigator A, recommendation to assess a civil penalty in the amount of \$1000. Discussion: point of clarification, is the recommended action “Revocation” or “Civil Penalty” as the memo states both? Chris Brodniak clarified that the recommended action is a civil penalty. Motion was made by Judy Pongratz and seconded by Jeff Martin to recommend assessment of the civil penalty in the amount of \$1000. Motion passed unanimously.

Item E of the consent agenda, Waiver Request: Private Security applicant requesting waiver of conviction of a criminal disqualifier at time of renewal, pursuant to OAR 259-060-0020. Discussion ensued regarding concealed vs. not concealed. Additional information was provided to the committee, including the review of the governing criminal code. Motion was made by Scott Reilly to approve the Waiver Request; motion was seconded by Jeff Martin. Motion passed unanimously.

Sub Committee Reports:

Administrative Rule – Complete revision of Division 60 is still planned. Staff is working on draft revision as time allows.

Accreditation – As of yet DPSST has not received a completed accreditation application from any of the companies who have inquired and been sent paperwork. A suggestion was made to contact the companies that had expressed interest at the time the process was being developed.

Curriculum – The sub committee has contacted a few training agencies and discussed continuing education with various private investigators regarding the implementation of a continuing education process for private security. Though the DACUM assessment was not discussed at the last sub committee, the information has been compiled and is currently being reviewed by DPSST’s Curriculum unit. A suggestion was made to remind instructors to update their outline for the new curriculum.

Armed – The new armed curriculum was approved by the Board on April 24, 2008. Projected implementation is January 2009.

Alarm – Current efforts to recruit for the vacant alarm representative seat on the policy committee have not turned up any applicants. Discussion ensued on whether to open up recruitment outside of Oregon. Suggestion was also made to review statute to determine if Alarm Industry is strictly ‘security’ or can encompass other sectors such as alarm installers.

Private Investigators – This is William Herrick’s last meeting. He had nothing to bring forward at this time.

Department Update:

Brian Henson was currently in Boston, MA. traveling to alarm companies in various states to provide mandated training and assistance.

Chris Brodniak gave examples of various situations that led to consent agenda Item C, regarding private security individuals being untruthful to DPSST staff. Discussion ensued, and the policy committee informed DPSST staff that they wish for actions of untruthful nature to be brought forth to the committee for recommended action on a case by case basis. The committee asked that in the OAR revision that language be added or clarified around “pretexting”.

It was suggested that Karen Evans send out either direct mail or a list serve email on the law enforcement side on private security requirements. A lot of police are still unaware of the standards and requirements.

An increase of fees was briefly discussed, with one option being to raise the fee on the officer level by \$20- \$25. However, the committee agreed that if fees were to be raised, they would want to look at various fee structures to minimize impact on the line level officers as much as possible.

The most updated version of the Public Officials Guide was passed out to the committee, as a resource for them in carrying out their dual roles as appointed committee members and private sector businessmen and woman.

New/Old Business:

Art Smith brought up PI Reciprocity and a discussion ensued. Clarification was provided by Harold Burke-Sivers regarding the presentation of the information. Information gathered and presented to the committee should clearly show where the differences in each state's requirements lie and the committee should address those differences and provide discussion and recommendation points for each. Examples were given in regards to age. If you are required to be 18 in Oregon, but 21 in Florida, Florida's standard meets or exceeds our standards. However, if the other state's standards are lower, then that would need to be taken into consideration. Brian Henson reminded the committee that reciprocity worked both ways. Florida for example, would have to be okay with letting Oregon licensees in if as in the case of our example; Oregon's standards are less than theirs.

Proposed Rule Change – Regarding criminal history: The proposed rule change will add back into the administrative rule the ten (10) year disqualifying tier, which was inadvertently removed during a prior revision. A motion was made by Jeff Martin to:

- (1) File the motion as a temporary rule.
- (2) File the motion as a Proposed rule, with Secretary of States office. and;
- (3) If no negative public comment is received file as a permanent rule.

The motion was seconded by Eric Meyer. Motion passed unanimously. (Appendix D)

Good of the Order:

Harold Burke-Sivers announced that this was his last policy committee. He thanked department staff and committee for their hard work. He offered himself as a resource for any questions or feedback in the future. Committee members and department staff thanked Harold for his devotion and commitment to the private security industry. Committee members expressed their belief that much of the progress made with improving the professionalism of this industry and its working members was accomplished as a direct result of Harold's hard work and commitment to the industry. He played a crucial role as a member of the policy committee and board over his 10 plus years with the committee.

The next meeting will be held August 19th, 2008 in Bend, OR. Harold Burke-Sivers suggested that the committee start planning meetings for the 2009 calendar.

The last meeting of 2008 will be held in Medford, OR on November 18, 2008.

Meeting Adjourned.

Appendix A

Private Security/Investigator's Policy Committee Minutes (Draft) February 19, 2008

The Private Security/Investigator's Policy Committee (PSIPC) held its regular quarterly meeting at 1:30 p.m. on February 19, 2008. The meeting was held in Hillsboro, OR. Chair Harold Burke-Sivers called the meeting to order at 1:33 p.m.

Welcome New Members:

Art Smith, Private Investigators
Shawn Cardwell, Armed Security

Attendees:

Committee Members:

Harold Burke-Sivers, Chair
Walt Myers, Healthcare
Art Smith, Private Investigator
Shawn Cardwell, Armed Industry
Charles Dorris, Hospitality
Eric Morse, Manufacturing
Bill Herrick, Private Investigator
Jeff Martin, Vice Chair
Judy Pongratz, Retail

Members Absent:

Brandon Mak, Unarmed Security
Scott Reilly, Private Business/Gov't Entity

Vacant Positions:

Public at Large

DPSST Staff:

Brian Henson
Karen Evans
Ela Piekarz
Bill Garland
Chris Brodniak

Guests:

Derek Bliss, PS
Eli Rosenblatt, PI
Nancy Milliman, PI



Consent Agenda:

Item B, the recommended revocation of Investigator A was pulled from the consent agenda.

Item A, the approval of the November 2007 draft minutes, Item C, the recommended revocation of Investigator B, and Item D, the recommended revocation of Investigator C all remained on the consent agenda. A motion was made by Jeff Martin and seconded by Charles Dorris to approve the consent agenda. Motion passed unanimously, with the recommendation to correct the minutes to reflect the following: Walt Myers is Healthcare, not Hospitality.

New Business:

DPSST is proposing an administrative rule change to allow credit card payments. Fiscal Impact was identified for 2% fee per transaction and start up cost. A motion was made by Bill Herrick and seconded by Judy Pongratz to accept the proposed administrative rule Change. Motion passed unanimously.

DPSST is proposing an administrative rule change on 259-061-0040 minimum standards for Private Investigator to be adjusted to align with standards of Moral Fitness and clarify disqualifying acts. No fiscal impact was identified. Motion was made by Jeff Martin and seconded by Judy Pongratz to accept the proposed administrative rule change. Discussion ensued regarding section (E) actions of conduct that would adversely reflect on his or her fitness to perform a private investigator and clarification of the intent. Explanation followed of having there be reliable evidence either from complaint or subsequent investigation that provided reasonable proof that the complaint had validity. Motion passed unanimously.

DPSST is proposing an administrative rule change to 259-061-0090 review of application materials to clarify false information submitted on a department form. No fiscal impact was identified. A motion was made by Judy Pongratz and seconded by Charles Dorris to accept the proposed administrative rule. Motion passed unanimously.

DPSST is proposing an administrative rule change to 259-061-0230(2)(c)(D) acceptance of credit card payments as means of settling civil penalties and fines. A fiscal impact was identified of 2% cost to be paid out of the administrative functions of the program. Motion made by Judy Pongratz and seconded by Jeff Martin to accept the proposed administrative rule change. Discussion ensued on altering forms or creating a new form to capture credit card information for those who choose to use that method of payment. DPSST is working on forms and processes to comply with all of the credit card industry requirements. Motion passed unanimously.

DPSST is proposing an administrative rule change on 259-061-0230(3) regarding investigator compliance. Motion made by Bill Herrick and seconded by Judy Pongratz to accept the proposed administrative rule change. Discussion ensued regarding clarification of a record being destroyed verses maintaining the record but not disclosing it. Motion passed unanimously.

The draft of the updated armed curriculum was presented to the policy committee by the armed sub committee. Introduction was made by Derek Bliss, with sections presented and discussed by Shawn Cardwell, Bill Garland, and Karen Evans. A potential fiscal impact was identified as a result of increased class time. A suggestion was made by Harold Burke-Sivers to set up a listening tour to solicit feedback from Armed Instructors and Armed Professionals.

Sub Committee Reports:

Administrative Rule – Entire Division 60 Rule set is being rewritten to reflect statutory changes and requirements. Timeline to completion is unknown at this time.

Accreditation – The deadline for submission of accreditation materials to become the pilot agency has passed without action from the named agency. The process will be put out for all and the first agency to apply will be the pilot.

Curriculum – Proposed administrative rule regarding time frames for instructors will be posted March 1, 2008 to March 24, 2008 for public comment, and following will become rule. DACUM is on hold for remaining surveys. Refresher test updated curriculum will go out with a letter and become implemented as of April 1, 2008. Continuing Education has been discussed. And the sub committee is looking at the Private Investigator side as well as agency processes to create a model.

Alarm – Letter was drafted to be sent out soliciting for a new alarm monitoring representative for the policy committee.

Investigators – Bill Herrick asked for reciprocity to be put back on the agenda for the next meeting. Discussion ensued regarding the Private Investigator identification and wondering if it was possible to have it recognized as an official state ID.

Good of the Order:

Next meeting will be set on May 20th at DPSST in Salem

Appendix B

Private Security/Private Investigator Policy Committee Minutes (DRAFT) March 24, 2008

The Private Security/Investigator's Policy Committee (PSIPC) held a telephonic meeting at 3:00 p.m. on March 24, 2008. Chair Harold Burke-Sivers called the meeting to order at 3:00 p.m.

Attendees

Committee Members:

Harold Burke-Sivers, Private Security Industry, Chair
Jeff Martin, Private Security Industry, Vice Chair
Shawn Cardwell, Armed Security
Charles Dorris, Hospitality
Eric Morse, Manufacturing Industry (telephonic)
Scott Reilly, Private Business

Members Absent:

Judy Pongratz, Retail Industry
William Herrick, Private Investigator
Brandon Mak, Unarmed Security
Walt Meyers, Health Care
Art Smith, Private Investigator

Vacant Positions:

Public Member
Alarm Industry

DPSST Staff

Karen Evans, Private Security Investigator/Instructor

Guests: George Rosebaum, Derik Bliss

I. Decision on Proposed Changes to OAR 259-060-0070 (15-Hour Firearms Course and Marksmanship Qualifications)

Oregon Administrative Rule (OAR) 259-060-0070 relates to a 15-hour firearms course; this amendment will allow for increased training in this area. Amending the rule will allow the Board to approve any future increases to the curriculum, without making additional administrative rule changes. The Department proposes to revise its rule language to eliminate the reference to 15 hours and refer to the requirement as armed "basic" course training requirements. Additional changes are housekeeping in nature.

There was discussion about the force continuum and duty to retreat.

Charles Dorris moved to recommend adoption of proposed amendments to OAR 259-060-0070 and recommended approving the language to the Board, Eric Morris seconded. Motion passed unanimously.

II. Decision on changes to Armed Curriculum New Training Manual

A motion was made by Shawn Cardwell to recommend adoption of the Draft Armed Curriculum to the Board on Public Safety Standards and Training. Second by Charles Dorris; motion passed unanimously.

There was discussion about fiscal impact for both agenda items. It was determined that there may be fiscal impact when the new curriculum is implemented. The increase would be reflected in increased cost the instructors and students. However, it unknown what the amount of increase will be, if any, because the cost of training is market driven.

Appendix C

DATE: April 23, 2008

TO: The Private Security and Private Investigator Policy Committee

FROM: Chris Brodniak
PSPI Compliance Investigator

SUBJECT: Recommend course of action to be taken with **Private Security Professional:**

Security Professional A

Memorandum

Issue:

On 2/12/08, *Security Professional A* was found to be working without certification and was untruthful with DPSST staff during a routine compliance check.

Action Requested:

Determine whether Security Professional A's actions, which are in violation of the 'moral fitness' standard as indicated in Oregon Administrative Rule (OAR 259-060-0020(3)) as they relate to 'dishonesty', 'misrepresentation', and "conduct that adversely reflects on his or her fitness to perform as a private security provider", merit a course of disciplinary action. The Department requests PSIPC to determine an appropriate course of action to be taken on *Security Professional A* in regards to his untruthfulness.

Appendix D

Memorandum

Date: May 14, 2008

To: Private Security and Investigators Policy Committee

From: Suzzane Baker, Compliance Specialist

Subject: 259-060-0020(4)(d) Temporary Oregon Administrative Rule Change/Proposed OAR

OAR 259-060-0020(4)(d)

(4) Criminal History. An applicant for certification or licensure must not:

(d) Have been convicted, **within the 10-year period prior to applying for, or during, certification or licensure,** of a misdemeanor or felony involving the unlawful use, possession, delivery or manufacturing of a controlled substance, or a misdemeanor or felony of similar elements, in this or any jurisdiction: 475.525 (Sale of Drug Paraphernalia), 475.991 (Unlawful Delivery of Imitation Controlled Substance), 475.992 (Prohibited Acts, Manufacturing or Delivering of a Controlled Substance within 1,000 feet of School), or an equivalent crime with similar elements in another jurisdiction.

Action:

Determine whether to go forward with a recommendation to file as a temporary rule. Determine whether to go forward with a recommendation to file as a proposed rule.