

Private Security Entity Workgroup

Minutes

November 9, 2022

The Private Security program of the Department of Public Safety Standards and Training (DPSST) held a workgroup meeting for the implementation of House Bill 2527 on November 9, 2022, at 2:00 p.m. in Conference Room A234 at DPSST, located at 4190 Aumsville Highway SE, Salem, Oregon.

Workgroup Members Present

Suzy Herring	DPSST, Professional Standards Division Director
Jeff Henderson	DPSST, Private Security Program Manager
Michael Holsapple	DPSST, Compliance Investigator
Jennifer Howald	DPSST, Administrative Rules Coordinator
Jeremy Simer	SEIU Local 49
Laura Vanenckevort	Bureau of Labor and Industry
Michele Timfichuk	Pacific Patrol Services Inc.
Thomas Hoeffft	Cover Your Assets Event Security LLC
Eric Nebeker	Angus Operations
Zac DePaoli	Willamette View
Brian Johnson	Black Wolf Protection Group
Shawn Cosby	Lake Health District
David Henretty	Oregon Law Center

Workgroup Members Absent

Killian Kuhn	Cornerstone Security Group
Dala Ann Johnson	Dala's Blue Angels
Richard Nassar	Command One Protective Services
John Werts	Securitas Inc.
Tammy Cozby	ADT

Other Attendees

Coy Alexander	DPSST, Technology Training and Development Specialist
Brenda Hyatt	

Section 4 Review

Presented by Jeff Henderson

The workgroup revisited the prior meeting discussion of the professional training requirements in Section 4 of HB 2527 (ORS 181A.908) as outlined in the Private Security Entity Workgroup Section Review document. There was discussion regarding the value of providing the required training in a language that the entity uses to communicate with the employee. The department reminded the workgroup of the existing requirement in rule that all private security training must be delivered in English and all exams must be completed in English without assistance. The department agreed there is value in having the written statements required in Section 6 be provided to employees in the language the entity uses to communicate with the employee.

The workgroup agreed employees can complete the required professional training at an agreed upon time and location as determined with their employer, as long as the employee is compensated for their time and has no work responsibilities that would distract from the training. As discussed at the last meeting, the BOLI approved training curriculum and materials would be available from DPSST for entities that want to provide in-person training to their employees.

Coy Alexander, the department's Technology Training and Development Specialist explained to the workgroup how DPSST currently uses an online platform for required private security trainings and how the online training program would be used to accomplish the goal of ensuring that employees taking the training required in Section 4 comprehended the materials presented.

Section 9 Review

Presented by Jeff Henderson

The workgroup discussed Section 9 of HB 2527 (ORS 181A.902) as outlined in the Private Security Entity Workgroup Section Review document. Section 9 requires the department to investigate each applicant's character, competence, and reliability, and any other matter related to the manner and method by which the applicant proposes to conduct and conducted operations as a private security entity prior to issuing or renewing an entity license.

There was discussion about the use of the term "applicant" regarding the character, competence, and reliability investigation. There was concern that the term would allow an entity to avoid accountability for business practices if the investigation focused only on the individual who signed the application. These issues will be addressed in rule, but the department interprets Section 9 to require a character, competence, and reliability investigation of the individual and the entity.

The workgroup discussed whether an entity would be allowed to continue to operate if there is a change in ownership or representation through a principal owner, principal partner, or qualified agent. If the person who took the required exam in Section 8 were to leave the entity, it was discussed that the person's replacement would need to successfully complete the exam to demonstrate their knowledge of the requirements.

There were also discussions regarding the timing of the required investigation and the corresponding labor contractor provisions that allow for a temporary license to be issued. DPSST will look to identify a process in rule to address the concerns with Section 13 that requires an entity to obtain a license prior to providing private security services. The workgroup stated the more this process can mirror the existing BOLI labor contracting licensing rules the better.

Section 13 Review

Presented by Jeff Henderson

The workgroup discussed Section 13 of HB 2527 (ORS 181A.850) as outlined in the Private Security Entity Workgroup Section Review document. Section 13 makes it unlawful for an entity to provide private security services prior to obtaining a license and prior to providing to the person to whom services are to be provided the DPSST website address where the entity's license information may be viewed. Section 13 also makes it unlawful for a person to retain the services of an entity without first verifying the entity's license status on the DPSST website.

There was a question regarding the customer requirement to verify the entity's license status on the DPSST website prior to obtaining the entity's services and whether DPSST would enforce that provision by conducting a violation investigation against a member of the public. This was identified as something that would be looked at if there was a repeated violation in which a business or person was advised of the requirement but continued to hire unlicensed entities.

Section 14 Review

Presented by Jeff Henderson

The workgroup discussed Section 14 of HB 2527 (ORS 181A.995) as outlined in the Private Security Entity Workgroup Section Review document. The workgroup discussed how a Class A violation would be filed or processed in subsection (1) and the department's responsibility with the provision. In addition to the Board's authority to impose a civil penalty in subsection (2) for violations, the Board's authority in subsection (3) to refuse to renew, suspend, or revoke a license due to violations was discussed. The workgroup discussed the department's authority to suspend or revoke a license. The department is working with DOJ to determine that authority.

The workgroup recommended a clear complaint process to identify entities that are operating in violation of any provision of this legislation. There was discussion about the administrative rules allowing a private right of action on the part of anyone who has suffered a loss due to an entity violating the requirements of any provision of this legislation.

Next Scheduled Meeting

This was the last workgroup meeting. Next steps, the department will circulate draft administrative rules to the workgroup for feedback following DOJ review of the drafts.