

Private Security/Investigator's Policy Committee
Meeting Minutes
May 15, 2012

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 15, 2012, at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317. The meeting was called to order by Chair Jeff Martin at 1:30pm.

Attendees

Policy Committee Members:

Jeff Martin, Chair

Jim Essam, Alarm Monitoring

Bill Geiger, Manufacturing

Ernie Loy, Private Business

Judy Pongratz, Retail

Paul Castleberry, Armed Security

Shawn Cardwell, Vice Chair

Robert Smith, Healthcare Industry

Justin Walker, Hospitality

Jim Gibson, Private Investigator

Phil Agrue, Private Investigator via phone

Absent

Chuck Wade, Unarmed Security

Guests

Craig Olsen, Private Investigator via phone

Scott Reilly, Eclipse Security and Investigations

Justin Jones, Copper John's

DPSST Staff

Teresa Plummer

Suzy Weinert

Linsay Hale

Heather Hatch

1. Chair's Report and Administrative Announcements

"This is a public meeting, subject to public meeting law and it will be digitally recorded."

2. Public Comment

No public comment

3. Consent Agenda

Ernie Loy requested that the two civil penalty cases be removed from the consent agenda for further discussion.

A correction to the February 21, 2012 minutes to reflect Justin Walker's absence was presented by DPST staff.

Jim Essam made a motion to approve the consent agenda with the updated changes. The motion was seconded by Ernie Loy. Motion **passed** unanimously.

3a. Chris McKinney - "Yolo Lounge"

The Department proposed a civil penalty in the amount of \$2,000 for operating as an Executive Manager while not licensed to do so and employing non-certified individuals to provide security services.

1. \$1,000 for operating as an Executive Manager
2. \$1,000 for employing non-certified security providers

Mr. McKinney is not currently and has not been licensed or certified as a security provider. This is McKinney's first violation. After he was educated on the laws and requirements, Mr. McKinney stated he would come into compliance. To date, the Department has not received any paperwork, training or fees since his initial conversation with staff.

Robert Smith made a motion to assess the civil penalty in the amount of \$2,000 to Mr. McKinney for operating as an Executive Manager while not licensed to do so and for employing non-certified individuals to provide security services. Paul Castleberry seconded the motion. Motion **passed** unanimously.

3b. Frank Chin PSID 47196-

Proposed civil penalty in the amount of \$3,000 for acting as an Executive Manager while not licensed to do so and employing non-certified individuals to provide security services.

- * \$1,000 for operating as an Executive Manager for Club 915
- * \$1,000 for operating as an Executive Manager for Jin's Steakhouse
- *\$1,000 for employing non-certified security providers

Mr. Chin was previously licensed as an unarmed professional and is currently under review from OLCC. In one case, a non-certified security officer was killed while working for Mr. Chin. Mr. Chin was educated on the laws and requirements. Mr. Chin stated that he would come into compliance. To date the Department has not received any paperwork, training or fees. This case has been ongoing for more than 2 years.

Ernie Loy made a motion to assess the civil penalty in the amount of \$6,000 to Mr. Chin for operating as an Executive Manager, for Club 915 and Jin's Steakhouse, while not licensed to do so and for employing non-certified individuals to provide security services. Ernie felt that the Department made significant efforts to assist Mr. Chin in coming into compliance and that it was apparent he was never going to do so when he failed to show up for a scheduled meeting to fill out and turn in application packets. There was significant discussion revolving around how and why this would be considered a flagrant violation as opposed to the previous case (McKinney – Yolo Lounge). Loy also indicated that each business was in violation and should be assessed separately.

- *\$1,500 for operating as an Executive Manager for Club 915
- *\$1,500 for employing non-certified security providers for Club 915
- *\$1,500 for operating as an Executive Manager for Jin's Steakhouse
- *\$1,500 for employing non-certified security providers for Jin's Steakhouse

Robert Smith seconded the motion. Motion **passed** with ten yeas and one nay.

4. OAR 259-060-0010 Proposed Rule definitions

- a. Review of the new definitions and exemptions for alarm monitors
- b. Bill Geiger made a motion to file 259-060-0010 as a proposed rule and to file it as a permanent rule if no comments are received. Jim Gibson seconded. Motion **passed** unanimously.

- c. The Policy committee determined that there no significant fiscal impact.

5. OAR 259-060 Proposed Rule Set

- a. Review of moral fitness sections of the rules 259-060-0015, 259-060-0020, 259-060-0120, 259-060-0130 and 259-060-0300
 - i. Ernie Loy made a motion to recommend filing 259-060-0015, 259-060-0020, 259-060-0120, 259-060-0130 and 259-060-0300 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Jim Gibson seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.
- b. Review of the compliance section 259-060-0450
 - i. Shawn Cardwell made a motion to file 259-060-0450 and 259-060-0010 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Ernie Loy seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.
- c. Review of the prohibited acts in 259-060-0015 and 259-060-0120
 - i. Robert Smith made a motion to file 259-060-0015 and 259-060-0120 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Ernie Loy seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.
- d. Review of the minimum standards section 259-060-0020 and 259-060-0015, specifically adding an educational requirement and when it will take effect
 - i. Shawn Cardwell made a motion to file 259-060-0020 and 259-060-0015 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Jim Gibson seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.

6. Subcommittee Reports

a. Administrative Rule

Jeff Martin reported that the rules have been updated and presented to the Policy Committee

b. Accreditation

Judy Pongratz reported that there are currently 4 alarm companies and 2 unarmed companies use the accreditation processes

c. Curriculum

Judy Pongratz stated that they are currently working on the job tasks. There are approximately 20 topics left to review.

d. Armed

Paul Castleberry reported that the subcommittee has approved a curriculum change that would require all firearm instructors to qualify at the DPSST range prior to being allowed in the instructor orientation. The first class of this kind will be on August 1, 2012. Paul should have more information on how this training class went at the next meeting.

e. Alarm Monitor

Jim Essam is currently watching a new national legislative bill affecting reciprocity

f. Investigator

Phil Agrue indicated that this subcommittee just had a meeting and it is their goal to re-write the PI administrative rules just as the private security group did.

g. Unarmed

Chuck Wade had nothing to report at this time

h. Moral Fitness

Ernie Loy reported that the moral fitness committee has completed its task of updating the moral fitness rules and it is currently in a suspended status and will re-convene if any more changes are to be made to this specific rule set.

7. Department Update

Teresa Plummer reviewed the private security fee history from 1995 until present. The unit will be able to sustain the staffing and supply expenses for the 2011-2013 biennium, however there will be a shortfall for the 2013-2015 biennium unless we see a significant increase in the number of applicants. The Department wants the Policy Committee to know about the current budget issues. The private investigator budget is currently experiencing a shortfall due to DOJ attorney costs for 2 contested cases.

There are two open positions in the unit - a Compliance Specialist 3 funded by the Private Investigator revenue and a Compliance Specialist 1, which is funded solely by the Private Security revenue. The Department is currently recruiting for the Compliance

Specialist 1 position, however the Compliance Specialist 3 will remain vacant for cost savings.

Curriculum Development Specialist, Mike James, was “bumped” by an employee who was on the layoff list. This “bumping” procedure is outlined in the represented employees’ union contract. Tara Mathews will be our new curriculum development specialist.

8. Next meeting scheduled for August 21, 2012

Meeting adjourned at 3:35pm