

Private Security/Investigator's Policy Committee Minutes November 20, 2007

The Private Security/Investigator's Policy Committee (PSIPC) held its regular quarterly meeting at 1:30 p.m. on November 20, 2007. The meeting was held in Eugene, Oregon. Chair Harold Burke-Sivers called the meeting to order at 1:30 p.m.

Committee Members:

Harold Burke-Sivers, Private Security Industry, Chair
Eric Meyer, Private Security Industry, Vice Chair
Brandon Mak, Unarmed Security
Derek Bliss, Armed Security
Judy Pongratz, Retail Industry
Jeff Martin, Alarm Industry
Charles Dorris, Hospitality
Scott Reilly, Private Business/Government Entity
William Herrick, Private Investigators (telephonic)
Chris Bloom, Private Investigators (telephonic)
Eric Morse, Manufacturing Industry (telephonic)

Members Absent:

Walt Myers, Healthcare

Vacant Positions:

Public Member

DPSST Staff:

Brian Henson, Private Security/Investigator Licensing Program Supervisor
Chris Brodniak, Private Investigator Compliance Investigator
Karen Evans, Private Security Investigator/Instructor
Heather Gaona, Private Security/Investigator Office Specialist

Guests:

Eric Morris, Fred Meyer



Guest Comments:

Email from constituent. Constituent is an instructor and indicates he is told of companies that hire individuals, have them complete the paperwork, but delay 3 to 4 months before sending the paperwork in. If the person does not work out, they don't send in the paperwork, but if they do, they send it but only after individual had been working for

three months. The policy committee referred the information to Karen Evans for follow up.

Email from same constituent asked question about being an Unarmed Instructor but still having to go through the Unarmed Officer course. He is having difficulty finding someone to provide him the training because he is seen as competition. He understands the separate standards, but wants alternate renewal options as he is testing on the curriculum that he teaches. Curriculum Sub-Committee is currently developing continuing education credits and addressing this concern.

Consent Agenda:

August 21, 2007 Draft Minutes and the changes to the Policy Committee Bylaws. Motion made by Jeff Martin and seconded by Eric Meyer to approve the draft minutes and bylaws. Discussion ensued with a recommendation to correct the minutes to reflect the following:

Walt Myers is Healthcare, not Hospitality,

Scott Reilly (and Charles Dorris) were not official members at time of the meeting and should be removed as absent members.

Judy Pongratz name to be corrected, as well as her represented industry.

The committee voted unanimously to accept the August 21, 2007 Draft Minutes with the proposed changes made, and to accept the Policy Committee Bylaws.

Case #21507: A motion was made by Eric Meyer to forward to the Board for approval the full civil penalty amount. The motion was seconded by Jeff Martin. Question brought forth about company representing themselves with 'investigations' in their company name. There was no clear evidence that company was providing investigative services and therefore company name is not an issue. The committee voted unanimously to send recommendation to the Board for assessment of the civil penalty for the full amount.

Case #13524: A motion was made by Derek Bliss to proceed with the revocation, with recommendation, to the Board. Motion was seconded by Scott Reilly. The committee voted unanimously to send recommendation to the Board for revocation.

Case #PS2007-35: Derek Bliss made a motion to proceed with the revocation, with recommendation to the Board. Motion was seconded by Eric Meyer. Discussion ensued regarding the individual not having been convicted of the crime, and whether that had a bearing on the committee's decision. Follow up questions on whether DPSST enforces violations of company policies or if that was an internal issue. It was confirmed that DPSST generally does not enforce company policies unless the violation of company policy happens to be a violation of DPSST standards. In this case, the person was trained in proper Use of Force. Individual did provide statements to DPSST and to law enforcement that he did in fact commit the crime. Moral Fitness definition was discussed which addresses the actions of the individual regardless of convictions.

Sub Committee Reports:

Administrative Rule – Changes being incorporated from last legislative session but, preparing to make changes once the new law takes effect on January 1, 2008.

Accreditation – Pilot program with Target was discussed. It was agreed that Target will be provided a deadline for submission of accreditation materials. If a response isn't provided by the deadline another company will be selected.

Curriculum – A new refresher manual and questions will be sent out on January 1, 2008. Refresh exam has been updated and will include a writing section. The writing section will be evaluated by the instructor for spelling, grammar, narration, clarity, etc. Sections now have more open ended questions so it is not yes or no, or true or false only. There is increased coverage in the manual for definitions of items such as article verses an implementation which the instructor will focus on to provide a clear understanding of the differences to the student.

Different degrees of certifications such as beginning, intermediate, and advanced will be pursued.

A question was asked if the length of the new curriculum was reviewed to determine the hours required to conduct the training. The sub-committee's focus was on content verses time frame. An example was provided that there are individuals who are instructors themselves or are very knowledgeable which could shorten the length of the class whereas in other cases it could be much longer.

Armed – Mock run through of armed curriculum is tentatively scheduled for just after the first of the year. Concern was voiced on there being two years since the last armed instructor class. Brian addressed the concern and explained class scheduling depends on many factors such as classroom time/space, range time/space, staff availability for providing a Firearm Instructor Class, and class size.

Suggestions made to work with the academy on a projected date to provide the training and look at alternatives if there is not availability. Secondary suggestion would be to look at administrative rule or statute to allow for alternative training options.

Alarm – No urgent issues. The sub committee has reached an impasse. Difficulty in getting all of the members together as urgency of the curriculum has passed. Jeff Martin's term as Alarm Industry representative term is due to expire in 60 days. He is working on recruiting potential replacements.

Discussion ensued as to whether the individual has to be associated with a central station and alarm monitoring or if any person associated with the industry in general could hold the committee seat. Statute requires someone from the monitoring industry. Additional suggestion was to consider out-of-state alarm monitoring companies, recognizing the committee would have to consider the impact of an out-of-state constituent having an impact on Oregon policy.

Investigators - A proposal was presented to the policy committee to establish reciprocity agreements with the states of Arizona, Florida, and Washington. The provided proposal was reviewed by the committee and found insufficient. The state-by-state comparison showed errors listing incorrect statutes for Private Investigator licensing requirements for the State of Oregon. Insufficient legal justification was provided to support a finding of "substantiality similar" as required under statute. The subcommittee has unanimously voted 3 separate times that there were substantial similarities between the proposed state's standards and the standards of Oregon, the board chair has asked them to substantiate their opinion. The sub-committee agrees reciprocity could be of beneficial to Oregon's Private Investigators, with legal justification.

The topic was returned to the subcommittee for further work. Mr. Burke-Sivers will follow-up with DPSST to clarify steps necessary to accomplish statutory intent.

A motion was made by Jeff Martin to table the topic of reciprocity to the next meeting. The motion was seconded. The committee asked for a vote. Chris Bloom and Bill Herrick opposed the motion, all others voted to pass the motion. Motion carried.

Department Update

Karen Evans explained how the Business Services section of DPSST was now establishing a process to collect delinquent civil penalties. This new process will allow the department to go after owed funds via the Department of Revenue.

Investigation workload remains the same. Chris Brodniak and Karen Evans are now working the investigators and security workload as a combined queue.. Chris is planning a future trip to the Bend area to address compliance issues, and provide training. The recent training planned for the I -84 corridor generated little interest and therefore was cancelled. Another trip will be planned for perhaps in the spring. Private Investigator Administrative Rules are being reviewed and adjusted.

Brian Henson spoke about the changes to staffing. Suzzane Baker went to ½ time and the department is currently in background for the other ½ of the position. The OS2 position which has remained vacant since Melissa Chrisman's departure will be interviewed for on November 21, 2007.

The Private Security/Investigator's Program will be used as a pilot program in an e-commerce model. This model would allow individuals or companies to pay fees via online, telephone, or in person with merchant cards.

Brian Henson attended an International Association of Security and Investigatory Regulators (IASIR) seminar in Columbus, Ohio last month. IASIR is a nationwide gathering of regulators, boards, state entities, etc. who govern the private security industry and private investigators. The intent of the meeting is to address prevailing issues currently facing the security and investigatory disciplines. IASIR has asked Oregon to host the 2009 conference.

New Business

Legislative Concepts are coming up for the 2009 legislative session. Harold Burke-Sivers asked that all members consider ways to improve current statutes between now and the next meeting. Legislative Concepts will be on the agenda for the next meeting as a topic of discussion.

Rule Changes

If there is a fiscal impact to the constituency, that will be addressed vocally at the end of each rule change.

A motion was made by Chris Bloom to table the rule change for later discussion as he did not have the documents. It was not seconded, and therefore the discussion went forward.

259-060-0060(1)(b), regarding 8hr classroom instruction. There was not found to be a fiscal impact. A motion was made by Derek Bliss to accept the proposed rule change. The motion was seconded by Judy Pongratz. The committee asked for a vote. Chris Bloom opposed the motion, all others voted to pass the motion. Motion carried.

259-060-0120(6)(8), 259-060-0130(5)(7), 259-060-0450(8), 259-060-0500, 259-061-0015 regarding credit card payment. A fiscal impact was identified as the implementation will require start up fees for equipment and program, also transaction charges with a roughly 2% cost. There is no fiscal impact to the public. Derek Bliss made motion to accept the proposed rule change. Motion was seconded by Eric Meyer. The committee asked for a vote. Chris Bloom opposed the motion, all others voted to pass the motion. Motion carried.

259-060-0010, regarding adding definition of the word 'private' in the administrative rule. Derek Bliss made motion to accept the proposed rule change after correcting the title. Motion was seconded by Brandon Mak. The committee asked for a vote. Chris Bloom opposed the motion, all others voted to pass the motion. Motion carried. No fiscal impact was identified.

Motion made by Chris Bloom to table discussion on the Private Investigator Rule revisions as he did not have the documents. Motion was seconded by Jeff Martin. Motion carried.

259-060-0135 regarding instructor training. Fiscal impact identified for those renewing instructors who would either have to travel to DPSST or wait until DPSST comes to them. Judy Pongratz made a motion to accept the proposed rule change. The motion was seconded by Scott Reilly. Chris Bloom opposed the motion, all others voted to pass the motion. Motion carried.

Good of the Order

Eric Meyer resigned from the Board and the Policy Committee. Harold Burke-Sivers thanked him for his dedication and service, providing him with two plaques, one in appreciation for his Board Service and one on behalf of the policy committee. Randal Woolard, who recently vacated the Private Business/Government Entity seat, was also publicly recognized for his contributions.

Meeting adjourned at 4:49 p.m.