

**Private Security and Investigator's Policy Committee
Minutes
August 17, 2010**

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a special telephonic meeting on August 17, 2010, 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 1:04 p.m.

Attendees

Policy Committee Members:

Jeff Martin, Private Security Industry, Chair
Shawn Cardwell, Private Security Industry, Vice Chair
Phillip Agrue, Private Investigators OBA
Vacant, Manufacturing Industry
Arthur Smith, Private Investigators
Robert Smith, Healthcare Industry
James Essam, Alarm Monitoring
Bonnie Narvaez, Public Member
Paul Castleberry, Armed Security
Judy Pongratz, Private Business
Justin Walker, Hospitality
William Geiger, Unarmed Security

Committee Members Absent

Ernie Loy, Retail Industry

DPSST Staff:

Teresa Naugle, Private Security/Private Investigation Supervisor
Chris Brodniak, Private Investigator Compliance Investigator



1. Chair's Report and Administrative Announcement

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

2. Guest Comment

None

3. ***CONSENT AGENDA (The following items to be ratified by one vote)**

A. ***Minutes**

Approve minutes from the May 18, 2010, meeting and the July 20, 2010, special telephonic meeting.

Phil Agrue made a motion to approve the May 18, 2010 meeting minutes and July 20, 2010 meeting minutes. Shawn Cardwell seconded. Motion carried.

4. **Violation Definition Discussion**

Staff Comments from AAG Meeting

Policy Committee members were presented with suggested language for Oregon Administrative Rule 259-060-0450 which defines violation, subsequent violation and flagrant violation. This proposed language has already been discussed and approved by our program's legal counsel. Chris Brodniak gave a synopsis of the discussion and examples of past cases in which this language played a part in defining the amounts of civil penalties assessed on violators. Brodniak also spoke about how stipulations fit into this process.

In order to be consistent in determining the number of violations that program investigators can assess against a violator, we are proposing that we base these violations on a monthly basis. For example, if a person violates a rule seven times in the month of January, those seven violations would only be considered as one violation for that month.

The program's legal counsel also provided clarification that 259-060-0450 does not apply to someone who has never been certified or licensed by DPSST. Therefore, the policy committee has the discretion to assess civil penalties outside of 259-060-450(4) language requirements for those who have never been certified.

5. ***Kevin Buress PSID # 42598**

Determine whether to uphold recommendation by the Department of Public Safety Standards and Training to assess Kevin Buress a civil penalty of \$1,500.00 for performing security services without certification.

Policy Committee members were presented with an updated memorandum outlining the additional violations that Buress has committed since the last policy committee meeting. Chris Brodniak also presented evidence of Buress' timecard records for the month of February that showed he continued to work after being contacted, having his forged card seized and being told that he cannot work as a private security professional. Brodniak briefed the group on our legal counsel's interpretation of 259-060-0450 and how it would not apply to the Buress case since Buress has never been certified.

Brodniak requested that the policy committee make a recommendation as to an appropriate civil penalty to be assessed against Buress.

The group had discussion as to whether or not to impose the maximum civil penalty for the first documented violation that occurred in February and whether or not it qualified as a flagrant violation.

Jim Essam made a motion to assess a \$7500 civil penalty against Kevin Bures for flagrant violations. Phil Agrue clarified by making a motion to assess a \$1500 civil penalty for the month of February, \$1500 civil penalty for the month of March, \$1500 civil penalty for the month of April, \$1500 civil penalty for the month of June and \$1500 civil penalty for the month of July against Kevin Bures. Paul Castleberry seconded. Motion carried.

6. Subcommittee Reports

A. Administrative Rule – Jeff Martin

The last meeting was held on Friday, August 13, 2010. There are about 3 or 4 rules left to review. The next meeting will be scheduled for sometime in September. It will be 2011 before the Board will see our revised rules.

B. Accreditation – Judy Pongratz

No updates

C. Curriculum – Judy Pongratz

Last meeting was on July 29, 2010 as a work session. We broke the curriculum out into sections and the last meeting was focused on the safety subsection. Mike James is putting together the information based on all of the input. September 13, 2010 is the next meeting.

D. Armed – Shawn Cardwell

Shawn has been officially relieved of his duty as the chair of the armed subcommittee since Paul Castleberry has been inducted and will oversee it. Paul and Shawn met approximately 2 months ago and will get the old subcommittee distribution list to revive this group and get them active again. The next meeting will likely be held in September.

E. Alarm Monitor – Jim Essam

Jim handed out the revised alarm monitor definition after the Oregon Administrative Rule subcommittee met on July 13, 2010, and had questions about the language.

The proposed definition is, “An “alarm monitor” is an individual employed by an alarm monitoring facility whose primary duty is the receipt of alarm signals indicating an intrusion or threat to public safety and/or property. These threats are reported to responding authorities.

(Excluded – Individuals employed by alarm monitoring facilities whose primary duty is not the receipt of threats to public safety. Example – the monitoring of production processes that may be interrupted by a variety of threats.) This could be policy clarification...rather than stated in OAR.

Responding authorities may include a security company which may ultimately contact public authorities.”

Bonnie suggested removing the and/or in the first sentence and only having one or the other. Jim Essam agreed to only have “or” in the definition.

After much discussion, Jim will attempt to define “alarm monitoring facility” so there is no confusion as to who will need to be certified as alarm monitors and who will not.

The CSAA curriculum is currently being reviewed by Karen Evans for accreditation purposes. There is also discussion about adding fire monitors to our rule set and about reciprocity with other states for certification.

F. Investigator – Art Smith/Phil Agrue

Art Smith reported that the reciprocity portion of this subcommittee will meet on July 24, 2010 at DPSST.

Phil Agrue reported that the PI exam revision and OAR portion met on August 17, 2010, at 8:00 a.m. The group had discussion about the moral fitness language for the PI rules, requiring PSID numbers on all PI advertising, and whether or not digital/computer forensics fit within our definitions. These items have been tabled until there are more members available for participation. The next PI Exam/OAR portion meeting will be on November 16, 2010, at 9:00 a.m.

G. Unarmed – Bill Geiger

No updates

7. Department Update

Presented by DPSST Staff

Teresa Naugle advised that with the addition of Robin Mimms from the Director’s office to the Private Security/Investigator unit, we are fully staffed. The next legislative session begins this January and we look forward to seeing if there are going to be any bills that may need to be addressed by our unit or policy committee members. There have been whispers about the bail bond bill, but we have not seen anything documented. The agency is looking forward to the next state’s financial forecast to determine what our overall agency budget will look like.

8. Next Private Security Policy Committee Meeting scheduled for November 16, 2010, in Salem, Oregon.

The meeting was adjourned at 3:21 p.m.