

Private Security/Private Investigator Policy Committee Minutes August 18, 2015

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday August 18, 2015 in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Bill Geiger called the meeting to order at 1:30 p.m.

Attendees:

Committee Members:

Bill Geiger, Chair, Private Security Industry (via phone)
Jimmie Edmonds, Alarm Monitor Industry (via phone)
Jim Gibson, Private Investigator
Ronald Miller, Investigator (OSB Appointed)
Judy Pongratz, Retail Industry
Mark Rauch, Public Member
Michael Snyder, Unarmed Security Industry (via phone and then joined the meeting @ 2:09 p.m.)
Donovan Beard, Armed Security

Absent:

Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services
Paul Castleberry, Armed Private Security Professionals
Carol Coates, Healthcare Industry
Randall Scott, Hospitality Industry

DPSST Staff:

Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Sharon Huck, Rules Coordinator
Karen Evans, Investigator/Instructor
Theresa King, JTA and Training Compliance Program Coordinator
Julie Johnson, Compliance Specialist
Monica Walker, Private Security/Investigators Operations Supervisor



1. *Minutes – May 19, 2015

Approve the minutes of the May 9, 2015 Private Security/Private Investigations Policy Committee Meeting

*Correction to Meeting Minutes – Jimmie Edmonds was marked absent from May 19, 2015 meeting when he was present.

Jim Gibson moved that the committee approve the amended minutes of the May 19, 2015 Private Security/Investigators Policy Committee meeting. Donovan Bear seconded the motion. The motion carried unanimously.

To see a complete record of the May 19, 2015 Private Security/Investigators Policy Committee minutes, please go to:
<http://www.oregon.gov/dpsst/BD/pages/pspipolicycommitteemeetingminutes.aspx>

2. ***OAR 259-060-0010, 259-060-0015 and 259-060-0145; Proposed Rule Change – Crowd Management**

Presented by Sharon Huck

This proposed rule was previously approved by the PSIPC and the Board. A temporary rule has been in place since May. Since then staff was contacted by legislative counsel with some concerns about the temporary language and some incorrect statutory references. If the committee recommends approval of the clarifications, staff is requesting permission to take the rule to the Executive Committee of the Board for approval to expedite the permanent rule filing process.

Ron Miller recommended filing the proposed language for OAR 259-060-0010, 259-060-0015 and 259-060-0145 with the Secretary of State as a permanent rule if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

Judy Pongratz recommended approval of submitting the proposed language for OAR 259-060-0010, 259-060-0015 and 259-060-0145 to the Executive Committee of the Board on Public Safety Standards and Training. Jim Gibson seconded the motion. The motion carried unanimously.

3. ***OAR 259-061-0018 – Expert Witness**

Presented by Sharon Huck

This proposed rule provides clarification on the expert witness exemption found in the private investigator licensing requirements [OAR 703.407]. Specifically, the clarification provides that this exemption does not apply to individuals providing testimony, or preparing to provide testimony, about factual knowledge gained as a result of an investigation.

The subcommittee recommended approval of this language on May 19, 2015.

Jim Gibson recommended filing the proposed language for OAR 259-061-0018 with the Secretary of State as a permanent rule if no comments are received. Mark Rauch seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

4. ***OAR 259-061-0120 – Proposed Rule Change; Interim Investigators License**

Presented by Sharon Huck

This proposed language was previously presented to the PSIPC. The Committee asked that staff return the language to the PI Subcommittee to further clarify the statutory requirements regarding issuing an interim investigator's license and to correct the numbering error. The Subcommittee reviewed the changes and recommend approval at their meeting on May 19, 2015.

Jim Gibson recommended filing the proposed language for OAR 259-061-0120 with the Secretary of State as a permanent rule is no comments are received. Donovan Beard seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

5. ***OAR 259-060-0060, OAR 259-060-0120, and OAR 259-060-0135 – Armed Annual Refresher Course-Proposed Rule Change**

Presented by Sharon Huck

The proposed rule change amends the language to show that firearms private security instructors who fail to complete the annual firearms instructor marksmanship requalification within 90 days of their certification anniversary date will be required to complete the basic firearms private security course in its entirety. (Instructors would be required to complete the instructor course.)

Donovan Beard recommended filing the proposed language for OAR 259-060-0060, 259-060-0120, and 259-060-0135 with the Secretary of State as a permanent rule if no comments are received. Judy Pongratz seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

6. ***ORS 181-878 – Legislative Concept**

The proposed legislative concept would grant the Department the authority to suspend armed private security professional and firearms private security instructor certification if an individual does not successfully complete the required annual armed training in a timely manner.

Ron Miller recommended filing the proposed legislative concept for the 2017 legislative session. Donovan Beard seconded the motion. The motion carried unanimously.

7. ***Eric Anglin, PSID #15826-Civil Penalty**

Presented by Julie Johnson

The issue in this case involves the imposition of a civil penalty against Eric Anglin providing security services while not certified to do so, a violation of the Private Security Provider's Act.

Mark Rauch moved that the Private Security/Investigators Policy Committee adopts the staff report upon which its recommendations are based. Jim Gibson seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee found no **Mitigating Circumstances**. The committee noted **Aggravating Circumstances** as that he worked with a school district and was entrusted to protect children. Also, this is Mr. Anglin's second instance of non-compliance.

Mark Rauch moved that the committee find Anglin's conduct does warrant the assessment of a civil penalty, and therefore recommends to the Board that the penalty of \$250.00 be assessed. Donovan Beard seconded the motion. The motion carried unanimously.

8. ***Richard Chambers, PSID #11622-Civil Penalty**

Presented by Karen Evans

The issue in this case involves the imposition of a civil penalty against Richard Chambers acting as an executive manager and providing security services while not licensed or certified to do so, a violation of the Private Security Provider's Act.

Ron Miller moved that the Private Security/Investigators Policy Committee adopts the staff report upon which its recommendations are based. Donovan Beard seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee found no **Mitigating Circumstances**. The committee noted that Richard Chamber's behavior did involve **Aggravating Circumstances** in that this non-compliance has been a continued occurrence and there has not been any response from Chambers.

Mark Rauch moved that the committee finds Chamber's conduct does warrant the assessment of a civil penalty, and therefore recommends to the Board that the penalty of \$24,000.00 be assessed. Ron Miller seconded the motion. The motion carried unanimously.

9. *Armed Refresher Curriculum & Pilot Program

Presented by Monica Walker

The Armed Subcommittee met and discussed a proposed armed refresher course manual. The Subcommittee unanimously voted to forward and recommend the proposed armed refresher course manual to the Private Security and Investigator Policy Committee. In addition, the Subcommittee unanimously recommended that the members of the subcommittee be allowed to pilot the proposed manual to ensure that it meets the needs of armed private security professionals.

Donovan Beard moved to recommend approving the presented armed refresher course manual to the Board. Jim Gibson seconded the motion. The motion carried unanimously.

Donovan Beard moved to recommend approval that the pilot program be established as recommended by the Armed Subcommittee. Ron Miller seconded the motion. The motion carried unanimously.

10. *Correspondence from Allen Zaugg, PSID #08941

Presented by Linsay Hale

The letter details concerns held by Mr. Zaugg with relation to DPSST regulation, the current standards for private security instructors and the treatment of private security providers by law enforcement officers.

By general consensus, the committee agreed no action is required at this time.

11. Subcommittee Reports

a. Alarm Monitoring – Jimmie Edmonds, Chair

Jimmie reported that the subcommittee has been reviewing the training curriculum which involves determining what needs to be added, removed and edited. The subcommittee will have one more meeting that will involve finishing the review. Jimmie wanted to thank Theresa King for all her help involved of the restructuring of the curriculum.

b. Armed – Donovan Beard, Chair

Donovan reported that the Armed Subcommittee is still reviewing the armed program to make sure all the pertinent information has been added. The subcommittee is gearing up for the pilot program.

c. Event Security/Hospitality – Randall Scott, Chair

Linsay reported for Randy since he was not in attendance for the meeting. The Event Security/Hospitality has not met due to it being crowd management season and this is a busy time for them in the industry.

d. Private Investigator – Ron Miller, Chair

Ron reported that the subcommittee is continuing to work on the exam for the Private Investigators. There has been quite a bit of work completed, the group has completed the OAR's and will be moving onto the ORS components. The subcommittee approved the changes for the inactive status proposed rule with one minor amendment to the fee structure. DPSST is collecting data for the subcommittee to consider in dealing with the issues surrounding limited reciprocity with other states.

e. Unarmed – Mark Rauch, Chair

Mark reported that the Unarmed Subcommittee had its first meeting on August 5th. The subcommittee approved the bylaws. The main focus is mainly coming up with a refresher course for the unarmed. The subcommittee is reviewing the material to determine what critical information to maintain, and then from there the subcommittee will determine how long the refresher program should be. The next subcommittee meeting is September 17, 2015.

12. Department Update

Linsay Hale reported:

Linsay reiterated that the only recourse the department has available is to issue civil penalties once it has been determined private security providers or private investigators are out of compliance. DPSST is internally trying to come up with a more effective solution as non-compliance is hardship for the businesses that do comply with the regulations.

The recruitment for the Training Development specialist did not go through as planned. Rather than re-open it immediately, we have decided to take a closer look internally at what that position is and what we should be recruiting for so that we can make sure we can find a candidate that would be a good fit. In the interim, we have Theresa King from the criminal justice section to help temporarily assist with the subcommittees and their curriculum development so that we can work on getting the industry back on solid ground. Theresa comes with a wide range of knowledge as far as curriculum is involved. She is beginning her work with the Alarm Monitoring Subcommittee.

Linsay wanted to thank Mona Cato for her service in the Manufacturing Representative position with the Policy Committee. Mona had a change in employment which does not allow her to represent the manufacturing industry. We thank her for her time and her service that she provided for the policy committee. We are actively recruiting for the Manufacturing Representative position on the policy committee.

The legislative session has wrapped up its season. The topics that affect the Private Security/Investigator are:

- HB 2208 did go through – this exempts from disclosure of any personal identifying information for anyone that DPSST currently or has been previously certified or licensed.
- The bill allowing bail bonds agents to operate in Oregon did not pass.
- The Private Investigator advertising requirement did go through. This would require any paid advertisement for private investigation services must require the DPSST number.

DPSST has announced its 2015 listening tour. DPSST's leadership will be traveling across the state and meeting with constituents. This would allow for individuals to ask questions or voice any concerns. The schedule is planned for the first two weeks of October and notices have gone out on listserv.

The agency has scheduled training with OLCC's regulatory specialists. We have had discussions on the interpretations of the statutes and regulations and we felt this would be a good idea to get them together along with DPSST to discuss this. This will held in Portland in September and then in Eugene in early October.

13. Next Regularly Scheduled Meeting – November 17, 2015 at 1:30 p.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*