

# **Private Security/Private Investigator Policy Committee Minutes November 18, 2014**

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 18, 2014, 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  
Donavan Beard, Armed Security  
Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services  
Paul Castleberry, Vice Chair, Private Security Industry  
Mona Cato, Manufacturing Industry  
Carol Coates, Healthcare Industry  
Jim Gibson, Private Investigator  
Ronald Miller, Investigator (OSB Appointed)  
Judy Pongratz, Retail Industry  
Mark Rauch, Public Member  
Randall Scott, Unarmed Private Security Professionals

### **Committee Vacancies**

Hospitality Industry  
Alarm Monitor Industry

### **DPSST Staff:**

Eriks Gabliks, Director  
Linsay Hale, Professional Standards Division Director  
Rebecca Hannon, Files Maintenance Specialist  
Suzy Herring, Private Investigator Compliance Investigator  
Sharon Huck, Administrative Rules Coordinator  
Karen Evans, Investigator/Instructor  
Julie Johnson, Compliance Specialist  
Monica Walker, Private Security/Investigators Operations Supervisor

### **Guests:**

**Phil Agrue, Private Investigator**



1. **Minutes of August 19, 2014**

Approve the minutes of the August 19, 2014 Private Security/Investigators Policy Committee meeting.

*To see a complete record of the August 19, 2014 Private Security/Investigators Policy Committee minutes, please go to:*

[http://www.oregon.gov/dpsst/BD/Policy\\_Committee\\_Minutes/PSIPIC\\_Minutes/PSIPCminutes081914.pdf](http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PSIPIC_Minutes/PSIPCminutes081914.pdf)

*Jim Gibson moved that the committee approve the minutes of the August 19, 2014 Private Security/Investigators Policy Committee meeting. Mark Rauch seconded the motion. The motion carried unanimously.*

2. **\*Bylaws of the Board on Public Safety Standards and Training Private Security and Investigator Policy Committee (PSIPC)**

Presented by Bill Geiger, Chair

Bill opened discussion of the bylaws by recommending the committee modify and then formalize the subcommittee structure. Currently there are five subcommittees, Unarmed Security, Armed Security, Alarm Monitor, Private Investigator, and Curriculum. Each of the subcommittees focuses on a specific subdivision of the Private Security and Private Investigator industry. At this time, the subcommittees are not formalized which means that when they meet to discuss industry needs, they cannot make formal recommendations to the PSIPC. Bill would like to restructure the subcommittees so they are official public bodies conducting official business and making formal recommendations.

Bill stated that one benefit to formalizing the subcommittees would be a reduced timeframe for some of the recommendations to be implemented. Additionally, Bill believes by restructuring the subcommittees it will create a more efficient way of doing business. Bill suggests creating a new subcommittee to address the Event Security and Hospitality industries while adding the Healthcare and Retail industries to the Unarmed Security Subcommittee. Bill went on to say that ideally, curriculum would be created to more directly address the needs of each specific industry rather than trying to be all-inclusive in scope.

Mark Rauch asked if we could modify the wording in the rule, regarding appointments to the Committee to reflect that all appointments to the committee are subjected to ratification by the Board.

*Mark Rauch moved to recommend ratifying the bylaws of the PSIPC with the suggested corrections to language. Randall Scott seconded the motion. The motion carried unanimously.*

3. **\*OAR 259-060-0010, 259-060-0060, 259-060-0120, 259-060-0135 – Proposed Rule Change** - Private Security Professional Unarmed Basic Classroom / Renewal Hours

Sharon Huck presented a staff report to the Committee on the pre-public comment responses received to the proposed rule change to increase the required classroom training hours for the Unarmed Security industry. In August 2014 the PSIPC unanimously agreed to recommend filing the proposed rule change to the Executive Committee with the caveat that there would probably be a significant fiscal impact it would create. DPSST held a pre-public comment period from September 23<sup>rd</sup> to October 10<sup>th</sup>, 2014. During the pre-public comment period DPSST received 135 responses. Most of the responses identified a negative fiscal impact and expressed opposition to the increase in renewal hours. On October 21<sup>st</sup> the Curriculum Subcommittee met to discuss the proposed changes and the public comments and after the discussion had some ideas for the Committee. Staff is requesting the PSIPC consider all of the information provided and offer direction to DPSST for the proposed rule change to the Private Security Professional Unarmed Basic Classroom and Renewal Hours.

Randy Scott stated he agrees with the curriculum, he thinks it is great information and appreciates the hard work put into developing it but he believes the comments received make it very clear that our constituents will be greatly affected. Randall reminded everyone that many of the folks working in the Unarmed Security industry have to pay for the cost of training and licensing out of their own pockets. Part-time employees simply don't have the resources to pay for increased training hours.

Ray Byrd addressed the fiscal impact on his industry. Because his employees are contracted for a certain number of working hours per year, he says that the increased hours would require him to either pay his employees overtime for sending them to training outside their normal work hours, or he would have to bring in substitutes to cover his employees' shifts while they are in training. Either way, that will result in a significant financial impact to his budget.

Judy Pongratz questioned the need for seasoned workers, many of whom have a law enforcement background, to go through a refresher course, when they have so many years of experience.

*Mark Rauch moved to recommend the Board approve filing the proposed language increasing of training hours to 14 hours for the initial basic training for new personnel,*

*but to keep the refresher training at four hours for renewal training and to file the changes as permanent if no public comments are received. Ronald Miller seconded the motion. The motion carried unanimously.*

*By consensus the committee found no significant fiscal impact to small business as modified.*

**4. \*OAR 259-061-0190 – Repeal**

Code of Ethical Conduct

Sharon Huck presented the committee with the proposed repeal of the Code of Ethical Conduct. In August 2014 the Private Investigator subcommittee met to discuss the Code of Ethical Conduct. After their discussion the subcommittee recommended removing the Code of Ethical Conduct from rule and leaving it as a component of the application process. This will eliminate the need for an administrative rule change every time the Code of Ethical Conduct is updated.

*Jim Gibson moved to recommend approval to the Board to file the proposed language as a rule change and as a permanent rule if no public comments are received. Randy Scott seconded the motion. The motion carried unanimously.*

*By consensus the committee found no fiscal impact to small business.*

**5. \*OAR 259-060-0060 and 259-060-0135 – Proposed Rule Change**

Tamper-Proof Bags

Sharon Huck presented a proposed rule change to remove the requirement of all Private Security applicants and providers to submit their original PS-6 Affidavit of Instructor and Private Security Provider Testing Results to DPSST in a tamper-proof bag that is sealed by the instructor. Sharon stated DPSST staff has found several problems with this process so they are recommending that DPSST eliminate this requirement thereby streamlining the process for all involved.

*Jim Gibson moved to recommend approval to the Board to file the proposed language as a rule change and as a permanent rule if no public comments are received. Mark Rauch seconded the motion. The motion carried unanimously.*

*By consensus the committee found no significant fiscal impact to small business.*

**6. \*OAR 259-060-0300 and 259-061-0300 – Proposed Rule Change**

## Criminal Justice Commission Crimes

Sharon Huck presented a proposed rule change to update current Oregon Administrative Rule (OAR) to reflect changes made in the Criminal Justice Commission's (CJC) list of person felonies. Sharon stated that in May of 2012 the PSIPC adopted the CJC's list of person felonies and person class A misdemeanors as automatic disqualifiers for denial, suspension and revocation of certification or licensure. In August of 2013 the PSIPC approved changes to the Private Investigator moral fitness standards that included rule language stating that all person felonies as defined by the CJC would be automatic disqualifiers for licensure. The CJC is required to review legislation creating new crimes and modifying existing crimes and adopt any changes into their OAR. When the CJC amends their list to reflect legislative changes, DPSST is required to also update the OARs that reference the CJC's rule.

***Randy Scott moved to recommend filing the proposed rule change as a proposed rule and as a permanent rule if no public comments are received. Jim Gibson seconded the motion. The motion carried unanimously.***

***By consensus the committee found no significant impact to small business.***

7. **\*OAR 259-061-0160, 259-061-0170 and 259-061-0250 – Proposed Rule Change**  
Inactive Status

This item was pulled from the agenda for further discussion by the PI subcommittee.

8. **\*OAR 259-060-0010, 259-060-0130, 259-060-0145 and 259-060-0450 – Proposed Rule Change** – Civil Penalties

Sharon Huck presented proposed rule change to correct current rule language. The Board has the authority to issue civil penalties against the owner or owners of a business or entity who are found in violation of a law or rule relating to the Private Security Act, however the current language states the action will be brought against the business or entity which is outside of the Board's statutory authority. This rule changes updates the language to show that the action will be taken against the owner or owners of the business or entity rather than against the business or entity.

***Mark Rauch moved to recommend filing the proposed rule language as a proposed rule and as a permanent rule if no public comments are received. Randy Scott seconded the motion. The motion carried unanimously.***

***By consensus the committee found no significant impact to small business.***

9. **\*Matthew Stallings – PSID #60747**

Denial / Revocation of Private Security Certification

Julie Johnson presented the Professional Standards case involving Matthew Stallings. Julie asked the committee to review the facts presented and recommend whether or not to revoke Matthew Stallings' Unarmed Professional Certification based on violation of the moral fitness standards as defined in OAR 25-060-0020 and referenced in OAR 259-060-0300. At issue was Matthew Stallings' use of a company issued credit card for personal use in violation of company policy. At the August 19, 2014 PSIPC meeting, the Committee asked DPSST to obtain additional information from the employer, including the company policy on credit card use and Matthew Stallings' acknowledgement of the policy. Despite DPSST's attempts they were unable to secure the requested information from the employer.

*Ron Miller moved to recommend adopting the staff report. Mark Rauch seconded the motion. The motion carried unanimously.*

*By consensus the Committee found Matthew Stallings' conduct did not include dishonesty.*

*By consensus the Committee found Matthew Stallings' conduct did not include lack of good character.*

*By consensus the Committee found Matthew Stallings' conduct did not include mistreatment of others.*

*By consensus the Committee found Matthew Stallings' conduct did not include lack of public trust.*

*By consensus the Committee found Matthew Stallings' conduct did not include lack of respect for the laws of this State or nation.*

*Because the Committee could not identify any misconduct that met the statutory definitions, DPSST will close the case administratively.*

10. **Department Updates**

Monica Walker reported:

Kim Beck, who has been out on leave since October 2014, is expected to return to work in mid-December. It is presumed at this point Kim will return with a limited schedule.

The Certification and Licensing Assistant position has been filled by Michelle Alster. Mona Riesterer has also been hired in a limited duration position to help fill the void created by Kim's absence.

Application processing is less than two weeks out.

The program is currently looking into setting up a live scan process for electronic fingerprinting. A company called Fieldprint has been awarded the contract for providing state agencies with electronic fingerprinting services. We are in the beginning stages of working with them to develop a system for our purposes.

We are continuing to work to develop a statement of work with NIC USA for an online renewal system and are looking to have a contract in place by the first of the year.

The PSIPC team has begun reviewing internal processes for streamlining for consistency and to develop a desk manual to be used by everyone to ensure everyone is using the same processes.

Linsay Hale reported:

Justin Walker, who has been the Hospitality Industry representative on the Committee, has concluded his term on the Committee. Linsay would like to formally recognize Justin's work on the Committee. His work has been appreciated

There are currently two vacancies on the Committee. The first is for a Hospitality Industry representative and the second is for Alarm Monitor representative. We are actively seeking to fill these vacancies.

The legislative session is expected to be a busy time for the Public Safety arena. We have not heard anything concrete yet on the Private Security / Private Investigator industry.

Due to the recent passage of legislation legalizing the use of marijuana in Oregon, DPSST has received a number of calls concerning what effects the passage will have on DPSST's certification and licensing standards and processes. Linsay stated that if the use of marijuana is no longer illegal there would presumably be no misconduct involved in its legal use. From a certifying agency standpoint we don't anticipate any major changes. The law goes into effect on July 1, 2015. The Oregon Liquor Control Commission (OLCC) has been tasked with developing enforcement standards, rules and regulations for Oregon. The use or delivery of marijuana may still be considered a crime under certain circumstances and agencies may develop internal policies prohibiting its use, especially if the agency is receiving Federal grant money that requires a drug free workplace.

Expanding on what Monica spoke of previously Linsay said DPSST recognizes that our paper-based industry application process is very outdated. We are working to improve and

update our processes starting with making the application renewal process electronic. The intention is to one day make it all electronic but it does take time.

**11. Next Regularly Scheduled Meeting – February 17, 2015 at 1:30 p.m.**

Meeting adjourned at 3:21 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](mailto:dpsst.records@state.or.us).*