

Advisory Committee Meeting

Meeting Date: January 10, 2012

Location: 1625 North Market Blvd., Sacramento, CA 95834

Committee Members in Attendance

Jim Diaz, Committee Chairman, California Institute for Professional Investigators (CIPI)
David Chandler, California Association of Training Facilities
Glenn Younger, California Locksmith Association (CLA)
Bryon A Bayer, California Alliance of Licensed Security Agencies, Guards & Associates
CALSA
Chris Reynolds, California Association of Licensed Investigators (CALI)
Dennis Sebenick, Customer Protection Services
Matt Westphal, California Alarm Association (CAA)
Chris Wilson, California Association of Licensed Repossessors (CALR)
Rob Dick, Professional Investigators of California (PICA)

Committee Members Absent

Patty O'Ran, Department of Justice (DOJ)

Department of Consumer Affairs, Executive Staff

Michael Santiago, Legal Counsel

BSIS Staff in Attendance

Jeff Mason, Chief
Connie Bouvia, Deputy Chief
Clarisa Serrato-Chavez, Admin/Policy Manager
Vicky Heibeck, Disciplinary Review Manager
George Paddeck, Enforcement Manager
Diana Cuccia, Licensing Manager
Noreene De Koning, Bureau Legislative Analyst
Mitch Kojima, Bureau Representative
Danielle Luiz, Bureau Representative
Cristina Rodriguez, Bureau Representative

Welcoming Remarks and Introductions

Jim Diaz called the meeting to order at 9:08 am and led everyone in the Pledge of Allegiance. Mr. Diaz thanked everyone for attending and introduced the committee members. He also took a moment to thank Mr. Roy Rahn, CalSaga Past President for his service and participation on the Advisory Committee.

Bureau Updates

Chief Mason stated that 85% of the licenses that the Bureau issues are security guard cards. In 2010, 46,000.5 security guard registrations were issued and in 2011, a little more than 54,000 licenses were issued. He informed the Committee that if these numbers continue to increase within the next five years the Bureau would be issuing between 110,000 – 120,000 registrations a year to guards. Currently there is approximately a 4.5 to 5 % increase per year in initial security guard registrations.

Chief Mason reminded the Committee of the new Proprietary Private Security Employer (PSE) license that came into effect in 2011. In 2011, 318 of the PSE licenses were issued. Chief Mason also mentioned that the primary goal for 2011 was to focus on educating the Proprietary private security employers and bringing them into compliance with the new registration requirements. Chief Mason also stated that he would like to hold 3-5 educational campaigns during the course of 2012.

Deputy Chief Bouvia provided a presentation on the Bureau's Regulation Package that was approved by the Office of Administrative Law on December 22, 2011. The new regulation allows BSIS enforcement staff to issue administrative citations to unlicensed businesses and persons when they are performing unlicensed activity. All administrative citation fees will be paid to the Bureau. Currently the Bureau is still developing the process, and it is anticipated that it will be completed by March 1, 2012. The Bureau plans to start issuing administrative citations by the middle of March 2012.

Mr. Diaz asked if there would be more individuals authorized to issue citations. Chief Mason responded that currently the Bureau is partnering with law enforcement entities and issuing infraction citations to unlicensed entities and guards under Business and Professions Code 16240. The new regulation package will allow Bureau staff to issue administrative citations in place of the infraction citation without the assistance of sworn officers. He also stated that Governor Brown's restrictions on travel expenditures have not affected the Enforcement Unit. It has only affected the travel to meeting where overnight or public transportation is involved. Enforcement representatives are still working diligently out in the field.

Deputy Chief Bouvia explained that in the past applicants were submitting certificates for qualifying experience for the Private Investigator license, but now the Bureau had dedicated an analyst to confirm the qualifying experience submitted to the Bureau before approving the applicant to take an examination. Applicants and employers are being contacted and asked to provide proof of employment with companies; employers are being asked what duties were performed by the employee, how many hours they were employed, what type of work was performed, and so forth. This is being implemented to confirm that the applicants have met the required criteria to take the examination they have applied for. Applicants have up to a year to submit verification of their qualifying experience and take and pass their examination. After that, their application will be considered abandoned.

Mr. Diaz asked Mr. Rick Von Geldern to come to the podium as he had a question regarding unlicensed activity and had asked to speak. Mr. Von Geldern's concerns were regarding private investigators from other states and from out of the country advertising in California and soliciting private investigative business when these investigators are not licensed in California. Deputy Chief Bouvia responded that the BSIS would be taking a more proactive position with the administrative citations capabilities concerning this practice. However, she did emphasize having proof of this and actually issuing a citation to an out of state or country investigator is more difficult.

Mr. Diaz noted that the Advisory Committee no longer had a Deputy Chairman with the change in representatives for CALSAGA. Roy Rahn was replaced by new president Bryon Bayer. Mr. Diaz stated that Mr. Chandler had been suggested for the position and had agreed to fill that position until an election could be held if this was agreeable with the rest of the committee.

Chief Mason emphasized that the Bureau's ability to cite for unlicensed activities applies to the guard industry, the private investigator industry, and the locksmith industry. Next, Chief Mason introduced the new Strategic Plan for the Bureau and mentioned that there has been a concern surrounding the training of security guards. To address this issue, there will be a session held in March to determine what is appropriate for guard training, if changes are needed, and if new legislation is necessary. In addition, the Bureau will be completing an occupational analysis for Private Patrol Operators.

Committee Member Updates

Chris Wilson, California Association of Licensed Repossessors, Mr. Wilson stated that they held some training seminars this year dealing with the safety of repossession agents in the field. There are a lot of companies based out of state that are referring work into California which is hurting the overall industry.

Matt Westphal, California Alarm Association, Mr. Westphal stated that his association has a youth scholarship committee which gives scholarships to children of fire, police and sworn officers. There is a newsletter that goes out every month that lists any issues going on in the industry. He also stated that the California Alarm Association is in the process of securing an author for legislation that will give BSIS the authority to cite and fine unlicensed persons and companies. They have patterned this proposed legislation after the BSIS rulemaking package that was just approved for the other industries regulated by BSIS.

Chris Reynolds, California Association of Licensed Investigators, Mr. Reynolds stated that his association has seen an increase in membership. Recently they have launched a new licensee training program which puts his association in contact with newly licensed Private Investigators within 30 days of obtaining their license. They currently offer 1 full day of training to recent licensees to learn about California laws

affecting the Investigator industry. Mr. Reynolds also mentioned that they are monitoring Craigslist more closely for unlicensed activity regarding the Private Investigator industry.

David Chandler, California Association of Training Facilities, Mr. Chandler stated that there is a delay in the cashiering system for BSIS. A majority of guards have completed a training session and mailed in their check, yet it takes a minimum of 6 weeks to go through the cashiering system. He claims that there is an issue with renewals as well because if cashiering is behind then an individual may not be able to carry a firearm for at least 2 weeks. Mr. Chandler also mentioned that they are working with CALSAGA to get some language cleaned up regarding the duties of a security guard. Lastly, Mr. Chandler mentioned that he would like to see an update to the Weapons of Mass Destruction training materials and his association is currently working with CALSAGA to create a recertification process for Baton permits.

Rob Dick, Professional Investigators of California, Mr. Dick stated that his associations' main focus right now is on education.

Bryon A. Bayer, California Assn. of Licensed Security Agencies, Guards & Associates, Mr. Bayer stated that they are working towards providing more training and embracing the PSE license. He also stated that they have seen a massive growth in their industry, and he would like to reduce the barrier to opening a new business. He also stated that CALSAGA would be in favor of helping the returning veterans return to a civilian life by helping them get back to work sooner in the private patrol and security guard industry. CALSAGA would also like to see an increase in the pass rate for first time test takers.

Kate Wallace, the membership coordinator was asked to speak on behalf of CALSAGA. She stated that they are currently working to bridge the gap between contract and proprietary security. Another exciting edition to CALSAGA is they have been working with BSIS to create a database where companies can put in guard card numbers and determine whether or not a guard card has been revoked.

Dennis Sebenick, Customer Protection Services, Mr. Sebenick stated that there is an issue with licensed guard companies bringing in people from all over and calling them consultants. Mr. Sebenick said that he was concerned over southern California guard companies who service the academy awards and the golden globe award events and after parties. Some companies bring in security guards from other states to cover these events and they are not licensed in California. He said that there was also a problem in this area with the employment of off duty peace officer who were not registered as security guards and would like the Bureau to look into this practice

Glenn Younger, California Locksmith Association, Mr. Younger stated that the new regulations authorizing the Bureau to be able to issue administrative citations and fines has been huge for the Locksmith industry. Fraudulent locksmiths have been an ongoing problem for quite some time. Some licensed and some unlicensed Locksmith companies based outside of California are hiring individual contractors to perform work

in California and these persons are not licensed as locksmiths in California. In many cases, these unlicensed locksmiths are performing substandard work and charging absorbent fees for their services to unaware consumers. Mr. Younger also stated that the Locksmith license is the easiest to obtain and he would like to make it more difficult to get, so that the Bureau can help provide the consumer with a qualified locksmith. He would like the Bureau to have the authority to require an examination to prove the applicant's skills as a locksmith. This would give the locksmith industry a more professional profile and insure better quality of workmanship for the consumer. He stated that he is aware that this change in licensure requirements would require a change in Legislation.—He also brought to the Committees' attention two bills that affect a person's ability to work as an independent contractor. SB 459, became effective on 1/1/2012, it requires a business who hires employees to make the required deductions from the employees' salary. It prohibits the willful misclassification of individuals as independent contractors. He also stated that the fine for not complying with the law ranged from \$10,000 to \$25,000 per violation. He also noted that AB 397 requires private employers to obtain and maintain workers compensation insurance for individual employees. It also requires employers who do not carry workers compensation to recertify with the State Contractor Board that they do not have any employees each time they renew their license.

Public Comments Section

Steve Caballero, is president of the California Security Training and Investigations Academy and Vice Commandant of the Marine Core League (servicing marines in and out of the marine core), Mr. Caballero stated that he would like to work with the committee to improve the current licensing practices surrounding Veterans to make the process easier and faster. Mr. Caballero believes that currently accepted training procedures deserve attention. His agenda is to make guards attend training schools and receive training from Bureau certified instructors. He is also concerned with firearms permits and how they are being issued. Mr. Caballero stated that new legislation needs to be passed surrounding batons and the fact that they currently have no expiration date associated with them. Another issue that was discussed was the current firearm requirements regarding qualifying and re-qualifying are being done with the use of simulators some of the simulators that are being used are incorporating gas or air type guns. He questions the integrity of this practice, as this method does not simulate the actual physical reaction that the firing of a gun with rounds does. He stated that he would like this reviewed and possibly revised. Chief Mason responded that this subject would be best addressed at the break out committee sessions that he is planning to have in March of 2012. To make this change, new legislation would have to be introduced that would be more specific as to the type of course that could be used when taking the initial or renewal course for the carrying and use of the firearm.—He noted that police officers are not allowed to take on-line courses nor are military personnel allowed to when it comes to protection of person or property. This type of course needs to be instructor driven.

Pat Alexander, License Holder of Various BSIS Licenses, Mr. Alexander stated that online training is a huge problem for him. He has had applicants come to him who have their guard, firearms, and baton licenses who do not speak English, yet they managed to pass a guard examination that was administered in English. Mr. Alexander stated that online training makes it difficult to determine who is actually completing the online course. He stated that he is a licensed private patrol operator and that he believes that on line guard courses do not provide adequate training to security guards. He believes guards need to be required to take an instructor driven course in the interest of consumer protection.

Rick Von Geldern, Capitol City Investigations (CCI), Mr. Von Geldern stated that he conducted a study to determine how many individuals are currently satisfied with the current license identification cards for the Private Investigator industry. His study revealed that 94.29% of the private investigators are not satisfied with their current identification cards. Mr. Von Geldern expressed that many licensees feel that the license does not represent the level of professionalism that the 6,000 hours of experience is worth. Mr. Von Geldern also mentioned that currently the renewal fee for a Private Investigator license is \$125.00. He believes the current fee is low and needs to be increased. This would help to ensure that the Bureau has allocated enough resources to be able to regulate and actively take action against the unlicensed investigators and unethical private investigation in California. Lastly, Mr. Von Geldern mentioned that he would like to work with the Bureau in implementing an online address updating system.

Mr. Artilla Dotson, Business Manager, Mr. Dotson hosted an award show for security guards in Oakland, CA who have lost their lives in the line of duty. He would like to create a foundation so that parties can be notified when a death of an officer occurs. He would also like to see a memorial award that could be granted to security guards in California for their service to the community. Mr. Dotson believes that security guards should be required to pass a psychological evaluation prior to becoming licensed and carrying a firearm.

Mr. Leonard Priestly, Special Police Officers Association, Mr. Priestly's association is trying to network and provide more information to local security companies so that they can make improvements to the industry. One of the issues they have is with reentry for people who have had a criminal history in their background. He would like to see more applicants that can show rehabilitation become licensed. . Many are afraid to go before the DRC and so they are trying to educate individuals on what the law is and what they need to do to show rehabilitation.

Mr. Donald Rabouski, Combat, Tactical, and Weapon Training, Mr. Rabouski stated that a majority of guards train with him because they feel that the training they receive at a training facility is inadequate. He understands that changes in legislation are tough, but he would like to work with the break out committee regarding changes in the required training to better the industry.

Ms. Francie Koehler, California Association of Licensed Investigators (CALI), Ms. Koehler stated that the issue regarding identification cards are recognized by CALI. They originally sponsored the legislation that gives the Bureau the authority to issue a picture ID to private investigators. Their objective was to produce a more professional and durable photo-ID card that was not easy to counterfeit. She stated that CALI would like to be involved with BSIS in efforts to improve the current picture identification card that the private investigators are currently issued. She also stated that CALI sponsored legislation in early 2000 to address the Bureau's ability to issue infraction citations. She stated that she wanted to compliment Deputy Chief Connie Bouvia for her efforts and insight regarding the new Unlicensed Authority Regulation that was recently put into place to issue administrative citations and fine to unlicensed private investigators.

Adjournment

Jim Diaz, Chairman of the Advisory Committee thanked everyone for attending and adjourned the meeting at 12:02 pm.