

Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes

August 28, 2014

Department of Consumer Affairs
1625 North Market Blvd.
Sacramento, CA 95834

Industry Members Present

Simon M. Cruz, Jr. (Firearm/Baton Training Facilities)
Marcelle L. Egley (Repossessor Industry)
Sandra L. Hardin (Locksmith Industry)
Matthew J. Lujan (Private Patrol operator/Security Guard Industries)
Aaron "Riley" Parker (Private Investigator Industry)
Thomas M. Uretsky (Proprietary Private Security Industry)
Tim B. Westphal (Alarm Industry)

Public Members Present

James B. Gordon, Jr. (Consumer Federation of California)
Greg P. Ferrero (California State Threat Assessment Center)
Mark T. Franke (California Sheriff's Association)
Lynn S. Mohrfeld (California Hotel & Lodging Association)
Nancy Murrish (Congress of California Seniors)

Members Not Present

Kara Bush, California Restaurant Association

Department of Consumer Affairs - Legal Staff Present

Angelique Scott- Legal Counsel

Bureau Staff Present

Laura Alarcon – Chief
Noreen Dekoning - Bureau Ombudsman
Kristi Sutton - Administration and Policy Unit
George Paddeck - Enforcement Unit Manager
Connie Bouvia- Bureau Staff

Minutes Taken By

Kristi Sutton

1. Chief Alarcon calls meeting to order and starts proceedings as an informal meeting

Bureau Chief Laura Alarcon called the informal meeting to order and began the meeting with the Pledge of Allegiance.

2. Introductions and Swearing in of Advisory Committee Members

DCA Deputy Director, Legal Affairs Doreatha Johnson administered the Oath of Allegiance and swore in each committee member. Chief Alarcon advised that all Advisory Committee meetings will be held in accordance with the Bagley Keene Open Meeting Act. Chief Alarcon asked each member to briefly introduce himself/herself.

3. Establish Committee Quorum

Roll call was called to establish a committee quorum. The record showed that a quorum was established. Chief Alarcon introduced Bureau staff.

Official Meeting Start Time:

10:15 AM

4. Bureau Chief Welcome Remarks

Chief Alarcon was pleased to announce the reestablishment of the BSIS Advisory Committee. Chief Alarcon stressed that 2014 Advisory committee differs from past committees due to members not only representing the various Bureau-regulated industries, but consumer organizations and law enforcement entities as well. Chief Alarcon went on to say the Bureau greatly appreciates the insight and commitment the members bring to the Advisory Committee.

5. Bureau Chief's Updates

Chief Alarcon stated that DCA's BreZE system is scheduled to implement in the first half of 2015 and that it will streamline the application and renewal process. Licensees will be able to apply online for initial and renewal licenses and use a credit card to pay applicable application/license fees. Consumers will be able to track the status of complaints. The Chief advised that several Bureau staff are dedicated full time to Breeze, working to develop the various internet-based license application screens and to ensure current BSIS licensing and enforcement data in the CAS and ATS systems migrate seamlessly to BreZE.

She advised that the Bureau is scheduled to undergo its Legislative Sunset Review in 2015 and has been working on its Sunset Report, which is to be submitted to the Senate Business and Professions and Economic Development Committee and Assembly Business and Professions and Consumer Protection Committee on November 1, 2014. Chief Alarcon noted that the purpose of the review is to assess how the Bureau is doing in carrying out its regulatory functions and that a sunset review frequently results in the legislative committees developing legislative proposals to address issues identified.

Chief Alarcon explained the revamping of the Bureau's public website. She noted that new design will increase usability for licensees and consumers. She noted that the new site is scheduled to launch during the first part of November 2014.

Lastly, she shared that the Bureau is working on regulations to clarify substantially related and rehabilitation criteria as they relate to a criminal conviction for the purpose of the Bureau denying an application, revoking, or suspending a license. The purpose of the regulations is to provide clarity on the criteria used by the Bureau, Disciplinary Review Committees and Administrative

Law Judge, when making licensing decisions. This rulemaking package will be hopefully noticed later this year.

Chief Alarcon opened the floor to the committee and public for comments. Musheer Rasheed, a public attendee, voiced concerns that the Bureau's website redesign would cause delays in licensing and processing applications. Chief Alarcon reassured Mr. Rasheed, that no licensing delays would occur due to the website update.

6. BSIS Advisory Committee Orientation and Reference Manual Overview

Chief Alarcon reviewed the committee member orientation and reference manual, focusing on the duties and main functions of the Advisory Committee. Issues highlighted included advising the members that their appointment of the Advisory Committee is for two years and will run through June 30, 2016 and that Advisory Committee Meetings will be held in according with the Americans with Disabilities Act as well as the Bagley Keene Open Meeting Act.

Committee member James Gordon made a motion to take item 9 on the agenda out of order since there was time before the lunch break to discuss this item Committee member Aaron Parker, seconded the motion. Motion passed by a unanimous vote.

9. Round Table Discussion of Committee Members Interests for Future Advisory Committee Agenda Items

Tim Westphal: Mr. Westphal voiced concerns regarding unlicensed activity within the alarm industry. He stated unlicensed entities are "door-knocking" and "robo-calling" unsuspecting consumers in an effort to create business. Mr. Westphal had concerns that the ramifications and fines for operating unlicensed do not deter such activities and would like to see stricter fines in place.

Aaron Parker: Mr. Parker voiced concerns regarding excessive licensing delays for new applicants as well as unlicensed activity within the Private Investigator (PI) industry. Mr. Parker indicated that he would like to see harsher penalties in place as well as more Bureau enforcement for unlicensed activity. Chief Alarcon advised that the Bureau is looking into the PI licensing desk for an opportunity to identify deficiencies and improve the process.

Mark Franke: Mr. Franke had no items for Committee consideration for future meetings.

Gregg Ferrero: Mr. Ferrero shared that licensees would benefit from additional training in line with the Nationwide Suspicious Activity Reporting (SAR) Initiative. The SAR Initiative is a joint effort by the U.S. Department of Homeland Security, the Federal Bureau of Investigation, and state, local, tribal, and territorial law enforcement entities. This initiative provides law enforcement with another tool to help prevent terrorism and other related criminal activity by establishing a national capacity for gathering, documenting, processing, analyzing, and sharing SAR information. Mr. Ferrero believed it would be beneficial for all first responders to receive training, including security guards to learn to identify suspicious behavior and how and when to report it.

Nancy Murrish: Ms. Murrish described her organization's involvement in outreach to seniors. Ms. Murrish expressed interest in all Bureau industries as the elderly are susceptible to being taken advantage of by unlicensed individuals. Facilities regulated by the Department of Housing and Urban Development (HUD) housing and private assisted living homes have security for the elderly and she would like to be an additional voice to this community in this area.

Sandy Hardin: Ms. Hardin also voiced concerns regarding the unlicensed activity in the locksmith industry. She stated there are several unlicensed locksmiths around unlocking homes for \$20.00, (bait and switch) but end up charging quite a bit more. She believes educating the public would be beneficial. Ms. Hardin inquired about the Bureau being linked to the Board of Equalization and Franchise Tax Board, to help combat unlicensed activity. She would also like to see regulations developed regarding improper advertising.

James Gordon Jr.: Mr. Gordon had no specific issues to share, but had an overall concern regarding unlicensed activity in general. Mr. Gordon would like more clarification about Bureau verbiage for those not currently in the industry during the committee meetings. Mr. Gordon also gave examples of how the Consumer Federation of California has helped various consumers.

Simon Cruz Jr: Mr. Cruz inquired about the type of certification needed for firearm instructors. Mr. Cruz also believed it would be beneficial to have additional training specific to active shooter situations as well as refresher courses on baton training due to it being a perishable skill.

Lynn Mohrfeld: Mr. Mohrfeld believed he is here more for the communication aspect of the hotel industry, as there is a lot of security activity in the industry. He believed safety and training is important, as is the opportunity to advocate, educate, and communicate.

Marcelle Egley: Ms. Egley also expressed concerns about unlicensed activities in her industry and mentioned prior efforts by the Bureau to establish a partnership program with the District Attorney's (DA) Offices and splitting the related fines as an incentive to the DAs. Ms. Egley also indicated that her association has reached out to the Labor Board and the Employment Development Department to discuss the issue of lost taxes due to the unlicensed activities.

Thomas Uretsky: Mr. Uretsky stated the common thread to deal with unlicensed activity is the ongoing need for education, training and outreach for industry as well as the public. He advised that many business entities did not know that their employees had to be licensed as Proprietary Private Security Officers.

Matthew Lujan: Mr. Lujan inquired about the BreEZe system and how it will work in regards to denial decisions. Mr. Lujan believed that the Bureau should put denial criteria on the Bureau's website so applicants know if they will likely be denied. Mr. Lujan also addressed the Powers to Arrest/terrorism awareness training, as he believes it is outdated. He went on to voice his desire to increase and training for security guards to promote professionalism and competency. Additionally, Mr. Lujan wanted a way for the industry to voice their questions/concerns/opinions to him and wanted to explore ways for the committee to be a conduit between the Bureau and industry, such as a one way e-mail that could be sent from the public/industry to the committee members so that the committee can discuss at future meetings.

Public Comment

John Sargent with the California Alarm Association voiced concerns about the “door-knocking” and “robo-calling” practices that have become a national problem in the alarm industry. He shared that these rogue companies tell consumers that they are upgrading their current system when, in fact, they are getting the consumer into a new contract with them. Often the consumer is unaware of what has transpired until he/she receives two invoices, one from the original alarm company and one from the “new” company.

7. Lunch Break- 11:41- 1:00 PM**8. Member Training- Bagley-Keene Open Meeting Act**

Anita Scuri, former DCA Attorney who is working as a Retired Annuitant, provided training on the Bagley Keene Open Meetings Act relative to the Committee conducting its meetings.

10. Public comment on items not on the agenda

None

11. Future Meeting Dates

A tentative future meeting date was set for some time in January, likely a Thursday. Discussions were carried out regarding establishing a meetings calendar in advance or scheduling the meetings on an “as needed basis.” It was decided that further discussions on how future meetings should be held will be carried out at the next meeting.

Greg Ferrero made a motion to adjourn the meeting. Mark Franke seconded the motion. The Motion passed by unanimous vote.

12. Meeting Adjourned

2:00 PM