

**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
DEPARTMENT OF CONSUMER AFFAIRS**

**FINAL STATEMENT OF REASONS**

**HEARING DATE:** July 21, 2011

**SUBJECT MATTER OF PROPOSED REGULATIONS:** Unlicensed Activity

**SECTIONS AFFECTED:** Sections 600.1, 601.6, 601.7, 601.8, 601.9 and 601.10 of Title 16 of the California Code of Regulations

**Updated Information**

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

The Bureau issued a 15-day notice of availability of modified text. As initially proposed, the term “Advertising,” included “print or published advertisement in any media form...” It is the opinion of the Bureau that this reference would include internet, online, and any other form of electronic transmission (i.e. text message, etc.). Comments received during the 45-day comment period indicated that specific references to internet, online, and other forms of electronic transmission would ensure understanding that the term applies to advertising by way of those mediums. The Bureau determined that the recommendation would add clarity and accepted the changes.

Further changes were made to ensure that the term “advertisement” is referenced consistently throughout the regulatory proposal.

Additionally, minor, nonsubstantive typographical/grammatical errors were corrected.

**Local Mandate:**

A mandate is not imposed on local agencies or school districts.

**Business Impact:**

This regulation will cause unlicensed businesses or individuals either to become licensed or to go out of business.

**Consideration of Alternatives:**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be either more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

**The response to those public comments submitted are included herein.**

**Public Comment: Objections or Recommendations/Responses**

**RESPONSES TO WRITTEN COMMENTS TO SPECIFIC LANGUAGE  
INITIALLY NOTICED June 3, 2011.**

(Copies of written comments are located in Tab 7 and correspond to the numerical sequence indicated in each summary written comment.)

**Comments received during the 45-day comment period ending July 21, 2011:**

**Cameron Rolfe, Cameron Rolfe Investigations, submitted comments 1-10.**

1. I am against the Bureau's attempt to gain the ability to directly administer fines to individuals who are found to have violated the Business and Professions Code.

Response:

The Director rejects this comment.

The Bureau's regulations are not establishing an authority to administer fines. Business and Professions Code Section 148 authorizes the Bureau to issue an administrative citation to unlicensed persons and Business and Professions Code Section 149 permits the Bureau to issue citations and fines to persons/entities who advertise in a telephone directory with respect to offering or performing services without a license. This rulemaking package makes regulatory changes necessary for the Bureau to implement the existing statutory authority to issue citations and fines for unlicensed activity and advertising.

2. I do not believe that the Bureau has the ability or finances to truly undertake such a monumental task.

Response:

The Director rejects this comment.

The Bureau already performs the investigations for unlicensed activities for various District Attorneys' offices for prosecution. The Bureau has no authority

to require that a District Attorneys' office prosecute unlicensed activity cases, and many District Attorneys' offices do not prosecute our unlicensed activity cases. With budget cuts, it is likely that District Attorneys will prosecute even less. When District Attorneys' elect to prosecute, the Bureau's enforcement staff testify as expert witnesses. The Bureau has already determined we will be able financially to undertake this work, including expenses for legal representation by the Attorney General's office when necessary. The administrative citation gives the Bureau another avenue to take action against an unlicensed person in doing so protect consumers from unlicensed activity.

3. The Bureau should not take on the role of either law enforcement agent or criminal prosecutorial attorney. Those tasks far exceed the realm, abilities, training and legal accreditations of Bureau employees.

Response:

The Director rejects this comment.

The administrative citations and fines issued by the Bureau pursuant to the proposed regulations are neither law enforcement activities nor criminal prosecutions, but rather an administrative action. Bureau enforcement staff is trained to investigate for violations of the Business and Professions Code and to issue administrative citations and fines for confirmed violations by licensees. These proposed regulations make regulatory changes necessary for the Bureau to implement the existing statutory authority to issue citations and fines for unlicensed activity and advertising.

4. Prosecution should remain under the jurisdiction of the State Attorney General's Office, and legal action should be the responsibility of its sworn officers, and other duly authorized "agents of the court."

Response:

The Director rejects this comment.

See response to comment 3.

5. I can certainly see that there is a certain lure to making a *quick buck* for the Bureau by removing the "middle man," and there might be a mistaken illusion of having the ability to "just fine them" and then *pocket the cash* directly; that unfortunately is a mistaken fallacy.

Response:

The Director rejects this comment.

The Bureau does not expect the adopted regulations to make revenue for the Bureau. The administrative citation gives the Bureau another avenue to take action against an unlicensed person and in doing so protect consumers from unlicensed persons.

6. Remember that when there is a criminal consequence, extensive litigations will typically ensue. There will be tremendous time required for trial preparation, discovery motions, subpoenas, evidentiary procedures, testimony, and actual court appearance.

Response:

The Director rejects this comment.

The proposed regulations will not provide the Bureau with authority to make criminal prosecutions. Citations and fines issued by the Bureau pursuant to the proposed regulations are levied at an administrative level consistent with the Bureau's current enforcement practices.

7. Having the idea that the Bureau will simply issue "fines" that people will *happily pay(?)* is a difficult and dangerous path to take...there is NO easy money.

Response:

The Director rejects this comment.

The proposed regulations will provide an additional mechanism to assist the Bureau in obtaining compliance for unlicensed activity and to deter persons from beginning such unlicensed activity. Unlicensed individuals who fail to comply with citations and fines issued by the Bureau pursuant to the proposed regulations would continue to be subject to prosecution by District Attorney's offices based on the Bureau's investigation of the unlicensed activity.

8. I do not believe that the Bureau is capable at this time of financial cut backs to hire attorneys, nor has in place the ability to defend itself, which in many cases the prosecution finds itself doing in the prosecution of individuals and corporations.

Response:

The Director rejects this comment.

See response to comments 2, 3, and 6.

9. Please leave criminal prosecution to the people and governmental agencies and offices, which have the ability and finances for these prosecutions.

Response:

The Director rejects this comment.

See response to comments 2, 3, 4, and 6.

10. The amount of imaginary fines that the Bureau thinks it might garner from these actions, vs. the amount of money required to bring these financial forfeitures to fruition, is misbalanced, and I believe that the Bureau is not capable at this time to set aside a tremendous amount of resources, personnel, and budgets to begin a “Department of Financial Restitution.”

Response:

The Director rejects this comment.

See response to comments 2, 3, 4, 5, and 6.

**David Vadbunker, Action Key, Safe & Locksmiths, submitted comments 11-12.**

11. Do away with licensing altogether, and reduce cost to Californians--“right to work state.”

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations.

Bureau licenses are necessary to protect the California consumer. All licensees/registrants must go through criminal background checks before licensure/registration. Due to the types of license/registrations issued by the Bureau, these individuals may have access to personal information, which in the hands of the wrong person could be devastating. Additionally, licensees must qualify for the license, in certain cases taking a license examination, and meeting certain training and continuing education requirements.

12. If we have a law, enforce the law. Revenue generated by enforcement should stay in the agency, not the general fund.

Response:

The Director accepts this comment.

Fines collected resulting from the implementation of the proposed regulations would not be placed in the State's General Fund, but would be deposited in the Bureau's Private Security Services Fund and the Private Investigator Fund.

**Calvin Livingston, Cal's Burglar & Fire Alarm Service, submitted comments 13-15.**

13. I do think that the public is already burdened under governmental controls, and now the Department of Consumer Affairs wants to bypass the standard procedure of going thru the courts of law to set themselves as investigator, judge, jury, and fines collector so that the person in question has no rights whatsoever, except those you choose to give.

Response:

The Director rejects this comment.

The proposed regulations provide the Bureau with a mechanism to implement the Bureau's existing statutory authority to issue administrative citations and fines for unlicensed activity and advertising. The proposed regulations contain appeal procedures for persons issued citations and fines, including the ability to have the matter appealed to an administrative law judge independent of the Bureau and the Department of Consumer Affairs.

14. I think this is outright greed by the department, which is now seeking a way to circumvent the legal process in order to feather their own nest with more funds. When are government entities going to live within their budgets and stop gouging the public by unscrupulous misleading means? This is a racket of moneymaking, and has nothing to do with protecting the public.

Response:

The Director rejects this comment.

See response to comment 5.

15. I am only one person but have to live with paying two amounts for the same license for over 25 years, just because I own the business, and manage the business, which I think is ridiculous; how can you own a business and not manage it?

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations.

**Robert P. Royce, Defense Investigation Group, Inc. submitted comment 16.**

16. I write this letter in total support for this long overdue action from the Bureau.

There has been a trend of paralegals declaring themselves as “Mitigation Specialists.” They work independent of attorneys and subcontract their services out. Mitigation Specialists duties are to interview witnesses for trial, collect documents that will be used in trial and conduct investigative research that will be used in trial. What their job consist of is the exact definition of how the state law describes a licensed investigator. They have given themselves the title of Mitigation Specialist as a way to appear as if they are not investigators.

I have complained in the past to BSIS and these unlicensed investigators continue working and taking work away from those of us who are licensed, pay our fees to the state and have rules to follow with the state being able to take our license from us and our ability to make a living. These violators have nothing to lose.

I hope this new rule passes and these violators can be stopped and forced to obtain a private investigator license and be on the same competitive level and forced to follow the same rules and laws as the rest of us in the very specialized field of life or death.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

**David Kanter, The Kanter Company, submitted comments 17-19.**

17. I object to the proposed rule changes that would allow the Bureau to issue citations for “unlicensed activity.” BSIS currently has an adequate procedure to issue citations for alleged violations: submit the case to the District Attorney’s office for prosecution.

Response:

The Director rejects this comment.

See response to comment 2.

18. The proposed rule changes are an obvious attempt to unduly extend BSIS jurisdiction, and removes an important level of legal review by the District Attorneys’ office. If the Bureau is successful in extending its administrative

authority into enforcement authority there will be litigation to challenge that overreach.

Response:

The Director rejects this comment.

See response to comment 13.

19. The Bureau is a regulatory agency of the People, not an enforcement agency. Please stay in your own land and focus on your core duties.

The Director rejects this comment.

The Bureau's core duty is to protect and serve consumers while ensuring a competent and fair marketplace. The Bureau is charged with enforcing all laws within the Bureau's jurisdiction. In order to protect consumers and promote a fair marketplace, the Bureau's regulated security industries are required to be licensed by the Bureau. The proposed regulations will allow the Bureau to implement existing statutory authority to issue administrative citations and fines for unlicensed activity and advertising for the purpose of soliciting business without a license.

**Darren Le Montree, attorney at law, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, submitted comments 20-27.**

20. Overall content of comments are supportive of the Bureau's rulemaking proposal.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

21. I know of an alarm company that is blatantly defying the licensure rules. The company's license was revoked by the Bureau. The company is still in business. The owner thinks he can ignore the licensure rules by using a friend's alarm company operator license. He also uses independent contractors as unregistered alarm agents.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations.

22. If a person or entity is found guilty of performing unlicensed activity they should be barred from serving as an owner or employee of an alarm company whether directly or indirectly involved in the business.

Response:

The Director rejects this comment.

The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

23. Each person should be required to be in an employer/employee relationship within the business they work for. The employees should not be allowed to be working as independent contractors. Additionally, any licensed company that aides or abets another to allow this should have their license revoked.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

24. Any contract entered into by an unlicensed operator should be deemed void and any monies received by said company returned to the consumer. Treble damages for such are also suggested.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

25. A private right of action should be included in the statute so that a consumer can pursue his or her rights and remedies.

Response:

The Director rejects this comment.

The commenter suggest a statutory change, this proposed regulatory package is a regulatory proposal, not a statutory proposal. The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

26. The Bureau and or a consumer should be entitled to any reasonable attorneys' fees incurred to prosecute violators.

Response:

The Director rejects this comment.

The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

27. Substantial fines and penalties should also apply to any person or business that aids or abets a licensure violation, including treble damages and disgorgement of ill-gotten gains.

Response:

The Director rejects this comment.

The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

**Gustavo Monroy, The Steel Cloud Company (licensed Texas private investigator), submitted comments 28-30.**

28. I support the Bureau's rule change to impose punitive consequences to those who practice without a state private investigator's license.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

29. I would support a more imposing fine of up to \$10,000 and six months in jail. The public's trust in this profession is vital to the effective and efficient business operations. When unscrupulous individuals pose as certified professionals our entire society is harmed.

Response:

The Director rejects this comment.

The administrative fine amounts provided in this regulatory proposal are established in statute, and may not be increased above \$5,000 without a change to statutory law. Regarding the recommendation that the regulatory proposal be changed to impose a 6-month jail sentence, the Bureau, as a licensing and regulatory authority, does not have the authority to impose criminal sanctions.

30. I would further encourage the Bureau to seek more areas in which it can have checks and balances in place; i.e., unclaimed property, etc.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations.

**Dr. Alan W. Stancombe, J.D., Private Investigator, submitted comments 31-35.**

31. I whole heartedly support all measures of the proposed rules.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

32. I would like to see that peace officers powers be given to field investigators from the Bureau to actually arrest and prosecute unlicensed persons.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

33. Once an individual is prosecuted and convicted for unlicensed activity they should never be able to apply for a license of any sort in California.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation. The recommendation would require a change to statutory law.

34. I would like to have the Bureau show the “employing PPO” of each guard on the Bureau’s website.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation.

35. I would like the Bureau to link licensee/registrant’s addresses to the Bureau’s on-line license verification.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The Bureau does not have the ability to provide this service at this time and it is beyond the authority of this proposed regulation.

**Danny Weinstein, La Jolla Locksmith, submitted comments 36-38.**

36. Mr. Weinstein expressed support for the regulatory proposal.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

37. A big problem that should be addressed by the Bureau is that locksmith’s use my exact and similar business name in San Diego to steal my customers. The use of similar names by locksmith companies should be stopped.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation. The proposed regulation addresses unlicensed activity. Existing statutory law, the Locksmiths Act, currently addresses the use of unregistered business names and false addresses by licensed locksmiths. Business and Professions Code Section 6980.34 requires locksmith company applicants to provide a certified copy of the fictitious business name statement that is filed with the county clerk, and prohibits the use of unapproved names in any printed matter or in any directory or listing. Business and Professions Code Section 6980.64 requires licensees to include approved business name, address, telephone number, and license number in all advertising and provides fines for violation of the section.

38. The Bureau needs to make a law creating a way for licensees to sue in small claims court, and to collect attorney's fees when someone uses or advertises with a name similar to a licensee's name.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation.

**John Chadwell, Chadwell Investigations, submitted comment 39.**

39. Any thought to utilizing local investigators in specific counties to help enforce or investigate unlicensed private investigator activity? I would like to see investigators in the Orange County area and the Los Angeles areas.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulations. The Bureau does have the ability to send Bureau enforcement staff, and Department of Consumer Affairs sworn investigators to Southern California, and assigns staff on a regular basis to investigate complaints received by the Bureau throughout California. However, the Bureau cannot hire private investigators to perform investigations for the Bureau as it could be considered a conflict of interest.

**Lora Pallatto, Executive Director, California Locksmiths Association, submitted comments 40-41.**

40. The Board of Directors of the California Locksmiths Association has unanimously endorsed the proposed regulations.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

41. The California Locksmith Association urges the Bureau to cite and fine locksmiths who use false addresses and unregistered business names to advertise their services and gain advantage over locksmiths who advertise using their correct business information.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation. The proposed regulation addresses unlicensed activity. Existing statutory law, the Locksmiths Act, currently addresses the use of unregistered business names and false addresses by licensed locksmiths. Business and Professions Code Section 6980.34 requires locksmith company applicants to provide a certified copy of the fictitious business name statement that is filed with the county clerk, and prohibits the use of unapproved names in any printed matter or in any directory or listing. Business and Professions Code Section 6980.64 requires licensees to include approved business name, address, telephone number, and license number in all advertising and provides fines for violation of the section.

**Tracy Ann Spada, Creative Investigations, submitted comments 42-43.**

42. Thank you for the recent correspondence regarding this proposed measure. I think it is an excellent idea.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

43. One of the biggest offenders of this measure are attorneys. I obtain clients regularly that have been the victims of excessive billing on top of the large amount they have paid their attorney for the use of their attorney's "in house" investigator. After researching several of these "in house investigators" it is soon learned that they are actually the attorney's law clerks and not only does the quality of the report reflect their inability to interview witnesses but also the fact that they conduct these interviews over the telephone. I feel bad for those that take the work of these attorneys that are basically breaking the law and monetarily gaining from it. Their clients suffer without getting the research that they not only paid for but also missed due to training a law clerk lacks. I hope the Bureau looks into these "in house" investigators and ends this injustice to its victims.

Response:

The Director rejects this comment.

Attorneys, performing their duties as an attorney at law, are exempt from private investigator licensing requirements. Also exempt is any person employed exclusively and regularly by any employer who does not provide contract security services for other entities or persons, in connection with the affairs of such employer only, and where there exists an employer-employee relationship if that person at no time carries or uses any deadly weapon in the performance of his or her duties.

**Daniel S. Reidder, Reidder Investigations, submitted comments 44-45.**

44. I most emphatically support the Bureau's efforts to amend its policy and allow enforcement actions in the Private Security Services Industry, Private investigator Industry, and the Locksmith Industry.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

45. If this proposed amendment comes to pass, I would like to be involved in the enforcement of the Bureau's actions. If personnel are needed please contact me.

Response:

The Director rejects this comment.

The comment goes beyond the authority of the proposed regulations. The Bureau does have the ability to send Bureau enforcement staff, and Department of

Consumer Affairs sworn investigators to Southern California, and assigns staff on a regular basis to investigate complaints received by the Bureau throughout California. However, the Bureau cannot hire private investigators to perform investigations for the Bureau as it could be considered a conflict of interest.

**Anthony Houston, Anthony Locksmith, submitted comments 46-48.**

46. This is a great idea for people who are operating as locksmiths without a license.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

47. I find that part of the blame is the advertisement of business listings in the Yellow Pages, Verizon, AT&T, etc. They never ask for a license number before allowing locksmith advertisements. Most of the advertisements contain false addresses. There should be a law to force the advertising businesses to require a copy of a license before accepting an advertisement. There should be a law to force the advertisement business to require copy of the license, and physical address of the locksmith business.

Response:

The Director rejects this comment.

The comment goes beyond the authority of the proposed regulation. While licensees of the Bureau are required to include their license numbers and business address in all advertising, the Bureau has no authority over the various advertising and phone listing venues mentioned by the commenter.

48. Another problem that I see is that cars or vans used by locksmiths do not identify the business. This is confusing and unsafe for customers who open their door to someone without any identification on their vehicles.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulation.

**Chris Reynolds, President, California Association of Licensed Investigators (CALI), submitted comments 49-52.**

49. CALI supports the objectives and provisions of the proposed revisions that would provide the Bureau with clear authority to issue citations for unlicensed activity and establish fine amounts for such citations, and that would also permit the Bureau to issue citations and fines to persons advertising in any written, printed, or verbal communication for the purpose of soliciting business without a license. The critical role of the Bureau in protecting California consumers will be greatly enhanced by these revisions. The ability of the Bureau to directly address unlicensed activities through these regulatory changes will address these occurrences and help prevent future situations where consumers could be harmed by these activities.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

50. CALI suggests that the Bureau ensure that the regulations address advertising on the web and social media. In order to bolster the Bureau’s proposed definition of “advertisement,” to ensure that these media forms are included; CALI has offered the following revision to the Bureau’s proposed section 600.1(g) (CALI’s suggested additions are shown in bold double underline type):

(g) “Advertisement” as used herein means any written, printed, or verbal communication soliciting, describing, or promoting a business regulated by Chapters 8.5, 11, 11.3, 11.4, 11.5, or 11.6 of the Code. This includes any business card, stationery, brochure, letter, pamphlet, newspaper, periodical, publication, flyer, circular, newsletter, fax form or other writing, radio, television, **internet**, or similar airwave **or electronic** transmission, printed or published advertisement in any media form, directory listing, **online**, or telephone book listing.

Response:

The Director accepts this comment.

It is the opinion of the Bureau that online advertising is covered by the definition of “advertisement” proposed by the Bureau in section 600.1(g). Specifically, the term “any media form,” as used in Section 600.1(g) would include “online/internet advertising.” With that in mind, the Bureau accepts the CALI suggestion to specifically include references to online and internet advertising in order to further clarify that online/internet advertising are included in the

definition. The Bureau has amended section 600.1(g) to incorporate the references to online/internet advertisements.

51. CALI suggests, in order to obtain consistency throughout the regulatory proposal, that section 601.6(c) be amended to reference the definition of “advertisement” in section 600.1(g) rather than described within its own text. CALI has offered the following revision to the Bureau’s proposed section 601.6(c) (CALI’s suggested additions are shown in bold double underline type and bold double strike out type):

(c) In addition, the Chief or his or her designee may issue a citation, in accordance with sections 148 and 149 of the Business and Professions Code against any person who advertises, **as defined in subdivision (g) of section 600.1, in any written, printed, or verbal communication for the purpose of soliciting business** without a license.

Response:

The Director accepts this comment.

The Bureau agrees that the recommendation by CALI provides for a more consistent use of the term “advertisement.” The Bureau has amended section 601.6(c) to incorporate the changes suggested by CALI.

52. CALI suggests that regulations be amended to provide sufficient authority for the Bureau to address brokers that contract with consumers to provide investigations, accept payment, and then subcontract the investigation to licensees.

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The comment goes beyond the authority of the proposed regulations.

**The following individuals submitted written statements in support of the Bureau’s proposed regulations during the 45-day comment period:**

Roy A. Rahn, CPP  
CALSA GA President

Russell A. Snow  
Chief of Police  
Fowler Police  
Department - Licensed  
Private Investigator

Luke Lucas  
Luke Lucas Locksmith

Ronnie Benchaim  
Beverly Westside Lock and  
Key

Doug Crawford  
Crawford's Lock &  
Key

Eric Eggen  
Mobilock Security

Bernard C. Poulin  
LV Sales, Inc.  
Locksmith

John Adams  
JP Locks

Aaron Lasley  
Locksmith registrant

Arturo Uribe  
A-1-A Lockshop

Skip Locke  
Total Access Security

Roy Ben Harel  
Lifetime Locksmith, Inc.

Glenn Smith  
Glenn's Key-Lock & Safe

John Giesy  
Dom's Mobile  
Locksmith

David Carter  
Dib's Safe and Lock Service

Greg Seecof  
Pyrran Security Services

William B. Kincheloe  
Kinchelow Key Service

Rick Shields  
CRS Locksmith Services

Tony Presidio  
Director of North American  
Sales, Advanced Diagnostics  
USA

Kurt Ditmer  
AvLock

Julie McCluney  
Hill's Bros. Lock & Safe,  
Inc.

Eric Nelson  
Nelson's Locksmith

Mark Conover  
The Lock Doctor

Roy Pisetsky  
Mainline Security

Terry Thompson  
AAA Security, Inc.

Dan Batty  
PropLock, Inc., dba  
AAA Locksmiths

Michael Kelly  
Professional Officers Group,  
Inc.

Louette Colombano  
Colombano & Associates

Bill Maloy  
Wm. Maloy Co.

Don James  
Don James Investigations

Greg Barnett  
Barnett Automotive  
Engineering & Investigations

Art Irvin  
Pop-A-Lock of  
Riverside County

Gregory A. Parks  
Accurate Security Pros, Inc.

Phillip Frick  
Bell Lock & Key

Wale A. Jimoh  
Fountain Security  
Services, Inc.

Louis L. Parker,  
Private Investigator

James A. Clark  
Clark James Investigations

Erick Hartman  
Tumblers Locksmith  
Service

Response:

The Director accepts these statements of support.

**Comments made at the July 21, 2011, public hearing**

**Estaban Garcia, J & E Security, made comment 53.**

53. If a city issues you a license for a city business license is that good to start a security company? I have a lot of guys that are doing security with the city business license, which is why I want to verify that you need a Private Patrol Operator's license.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. The Bureau affirms that a Private Patrol Operator license is required to operate a private security company. This rulemaking package makes regulatory changes necessary for the Bureau to implement the existing statutory authority to issue citations and fines for unlicensed activity and advertising.

**Chris Reynolds, President, California Association of Licensed Investigators (CALI) provided an oral statement substantially similar to his written statement as previously addressed in responses to comments 49-52. See comments and responses 49-52.**

**The following individuals made comments in support of the Bureau's proposed regulations at the July 21, 2011 hearing:**

T. Michael Walker  
Walker confidential, CALI  
Member, President of National  
League of Licensed  
Investigators

Justin Hodson  
CALI

James Diaz  
Certified Investigative  
Professionals, California  
Association of Security  
Agencies, Guards, and  
Associates (CALSAGA)

Response:

The Director accepts these statements of support.

**Comment received during 15-Day Notice of Modified Text period ending October 3, 2011.**

**The Bureau received written comments during the 15-day notice of modified text from the following individuals:**

**Danny Weinstein, La Jolla Locksmith, submitted comments 54-55.**

54. I am glad you are finally going after the unlicensed people.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

55. The bigger problem we have is the licensed people using other locksmith's names and stealing their customers. I have at least 10 people using my company name right now on the internet, stealing my customers. The Bureau should make a law that if they use our names they automatically owe the Bureau \$5,000 and the company that they stole name from \$5,000, including all attorney's fees. This is the only way to stop them. It is the biggest problem we face in the locksmith industry today, stealing our names, Fake companies and fake names, no license numbers and no addresses or fake ones.

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations. See response to comment 37.

**Greg Barnett, Barnett Automotive Engineering & Investigations, submitted comments 56-57.**

56. I have been active in filing written complaints with the Bureau anytime I have seen unlicensed activity. I hope the proposed changes are adopted so I can re-complain because the same companies are continuing with their unlicensed activity.

Response:

The Director accepts this comment.

This expression of support was accepted and considered in the adoption of the proposed action.

57. Mr. Barnett provides an example of an unlicensed out of state Nevada company hiring unlicensed California private investigators to perform investigations in California, and poses the following question: What can the Bureau do about unlicensed agents and companies that are not currently located in California?

Response:

The Director rejects this comment.

The comment is irrelevant and does not pertain to the proposed regulations.

**The Bureau received written statements of support during the 15-day notice of modified text comment period from the following individuals:**

Kerry Slack  
International Executive  
Protection Services, Inc.

Gustavo Monroy  
The Steel Cloud  
Company

Bill Maloy  
Wm. Maloy Co.

Response:

The Director accepts these statements of support.