

Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes
For January 11, 2018 Meeting

Department of Consumer Affairs
1625 North Market Boulevard
Sacramento, CA 95834

Industry Members Present

Simon M. Cruz, Jr. (Firearm/Baton Training Facilities)
Marcelle L. Egley (Repossessor Industry)
Frank Huntington (Private Investigator Industry)
Matthew J. Lujan (Private Patrol Operator/Security Guard Industries)
Roy Rahn (Proprietary Private Security Industry)
Tim B. Westphal (Alarm Industry)

Public Members Present

Anton Farmby
Todd Inglis
Lynn Mohrfeld
Nancy Murrish
Eli Owen
Stanton Perez

Department of Consumer Affairs Representatives

Dean R. Grafilo- Director of the Department of Consumer Affairs
Anthony Pane- Assistant Chief Counsel

Bureau Staff Present

Laura Alarcon- Chief
Samuel Stodolski- Deputy Chief
Antoine Hage- Policy & Administration Manager
Karissa Huestis- Policy Analyst
Nicole Ishiura- Policy Analyst
Cha Xiong- Policy Analyst

Minutes Taken By

Antoine Hage
Nicole Ishiura

1. Call Meeting to Order

Meeting called to order by Bureau Chief Laura Alarcon. At 10:01, Chief Alarcon noted that Item 9 was removed from the agenda as Bureau staff was unable to complete all of the needed research to present the item at the meeting.

2. Introduction and Swearing in of Advisory Committee Member Frank Huntington III by Department of Consumer Affairs Director Dean Grafilo.

DCA Director Dean Grafilo administered the Oath of Allegiance and swore in Frank Huntington as the new industry member, representing the Private Investigator Industry, to the Committee.

3. Roll Call/Establish Quorum

Roll was taken and 10 committee members were present. Quorum was established and Chief Alarcon noted the meeting official start time as 10:05 AM. Members Anton Farmby and Lynn Mohrfeld arrived after roll call at 10:08 A.M. and 1:34 P.M., respectively.

4. Approval of Minutes from July 13, 2017

Matthew Lujan made a motion to approve the minutes from the January 12, 2017 Advisory Committee Meeting. Stan Perez seconded the motion. The motion to approve the minutes passed on a 10-0 vote.

Committee Comment on the Approval of Minutes from July 13, 2017:

None

Public Comment on the Approval of Minutes from July 13, 2017:

None

5. Bureau Chief's Welcome Remarks/Bureau News and Updates

Licensing Update: Chief Alarcon began her update by sharing that between July 1, 2017 and December 31, 2017, the Bureau received over 35,000 initial applications for licensure and about 44,600 applications for renewal that equated to an average of 5,800 initial applications and 7,400 renewal applications received per month. The Chief noted that 82% of all initial security guard (G) applications and 55% of all renewal Security Guard applications were submitted via BreEZe. She further commented that the BreEZe submission rates were aligning with the rates observed in the Bureau's previous online licensing system, the Online Professional Licensing System (OLPL).

Chief Alarcon then discussed BreEZe participation rates for other Bureau license types, noting that submissions for initial and renewal Alarm Company Agent Employee (ACE) registrations have increased significantly since the prior fiscal year. Specifically, there was a 62% increase in ACE initial registrations on BreEZe. The BreEZe participation rates for other Bureau license types, except ACE and G, for the last six-month period remained generally unchanged from the prior fiscal year.

In the prior fiscal year, 28% of ACE initial and 39% of ACE renewal applications were submitted via BreEZe; in the last six months, the BreEZe submission rate for ACE applications jumped to 62% for initial and 50% for renewal applications. The Chief noted that this increase in online submissions for ACE initial and renewal applications is a result of the California Alarm Association's (CAA) outreach efforts. In the past six months, 60% of all initial Locksmith Employee (LOC) applications and 32% of all LOC renewal applications were submitted via BreEZe, which is consistent with previously reported statistics. In the same time period, 42% of all initial Proprietary Private Security Officer (PSO) applications and 52% of all PSO renewal applications were submitted via BreEZe. An initial application for a Repossession Agent Employee (RAE) registration is unavailable online; however, current registrants are eligible to renew online. RAE renewals submitted via BreEZe currently make up approximately 40% of all RAE renewal applications.

Chief Alarcon spoke about the benefits of BreEZe. She reiterated that online submissions, in general, reduce application processing timeframes. She noted that the BreEZe submission rates for companies has remained consistent, with the exception of Alarm Company Operator (ACO) initial applications, which experienced a dramatic drop in participation rates from 33% in the previous fiscal year to 13% in the past six months. In the past six months, 20% of all initial Private Patrol Operator (PPO) applications and 30% of all PPO renewal applications were submitted via BreEZe. From July 1, 2017 - December 31, 2017, 40% of all Alarm Company Qualified Manager (ACQ) initial and renewal applications were submitted online.

Locksmith Company (LCO) initial and renewal application submissions in BreEZe were at roughly 30% of all submitted LCO applications. 50% of all initial Repossession Agency (RA) and 40% of all RA renewals were submitted online; however, there were no initial Repossession Agency Qualified Manager (RAQ) applications submitted in BreEZe. The Chief asked Committee Member Marcelle Egley, who represents the Repossession Agency Industry, if she had any thoughts about the lack of online submissions for initial RAQ applications. Similar to the RAQ participation rate for initial applications, the Bureau did not receive any initial Baton Training Facilities (TFB) applications submitted in BreEZe. The Chief noted that this statistic is not troublesome due to the relatively low frequency of TFB initial applications when compared to other license types. She noted that 33% of all initial Firearms Training Facility (TFF) applications and 50% of all TFF renewal applications were submitted online. Online submissions for initial and renewal Baton and Firearms Training Instructor (TIB, TIF) applications were comparable at 33% and 50%, respectively.

Chief Alarcon stated that the initial and renewal firearms applications were removed from BreEZe in September of 2017 as a result of the high deficiency rates associated with applicants failing to scan and upload a hard-copy of the application. She noted that the scanned document was required due to the dual attestations required on the application – applicant and firearms training instructor. She noted that the Bureau was unable to reduce this deficiency rate despite multiple efforts such as providing clearer directions on the BreEZe screen and the actual application form itself, interested parties email blasts and outreach to the various industry associations related to Bureau license types. She noted that nearly one in two firearms applications submitted in BreEZe did not include an attachment of the paper firearms application. As a result, the high deficiency rate imposed a large workload on the Bureau, which in turn increased the processing timeframes for firearms initial and renewal applications. As a result, Bureau management decided to remove the firearms applications from BreEZe.

Chief Alarcon emphasized that there is no grace period to renew a Firearms Permit. Unlike other Bureau license types, a firearms permit, once a firearms permit expires, it is no longer eligible for renewal. She urged the industry representatives in the audience and the Committee to reach out to permit holders to inform them that firearms renewal applications must be submitted at least 60 days prior to expiration to allow the Bureau time to process the renewal application and to receive the required response from the California Department of Justice (DOJ) that the permit holder is still eligible to possess/own a firearms. She noted that Bureau's Licensing Unit, which is comprised of 15 employees, receives over 6,000 applications per month; as such, the Bureau cannot renew a firearms renewal application before the expiration of the current permit if the application is submitted just days before expiration.

Chief Alarcon noted that the Firearms Permit applications have been updated in an effort to reduce deficiency rates, and that these efforts align with the Bureau's overall commitment of implementing operational changes to promote efficiency and effectiveness. One of these updates included the addition of suggested range qualification schedules that comply with the regulatory requirements for renewing the permit. Additionally, information was added to the instructions section for the Firearms Training Instructor (TIF) about the correct means to score the written exam.

Enforcement Update: Chief Alarcon stated that from July 1, 2017 to December 31, 2017, the Bureau's Enforcement staff had conducted 92 compliance inspections

of Private Patrol Operators (PPOs), Firearms Training Facilities (TFFs), Alarm Company Operators (ACOs), and Repossession Agencies (RAs). In the 2016-2017 fiscal year, the Bureau received 1,569 complaints and opened roughly 760 investigations, of which approximately 660 were closed. The closed investigations were conducted by the Bureau's Enforcement staff and the Department of Consumer Affairs' Division of Investigation, the latter of which is the law enforcement branch of the Department.

Chief Alarcon noted an enforcement case that involved the revocation of an Alarm Company Operator Qualified Manager (ACQ) Certificate through the administrative hearing process. It was determined that the ACQ had established business practices for multiple Alarm Company Operators (ACOs), with which he was associated, that involved a misrepresentation of facts to consumers entering into alarm monitoring contracts. Notably, consumers were led to believe that they were entering into a contract with the ACO represented to them at the point of sale when, in fact, they were entering into a contract with an out-of-state ACO that did not hold a BSIS ACO license.

Chief Alarcon stated that the Bureau's Complaint Resolution (CRP) Staff resolved 60 complaints in FY 2016-17. This figure represents complaints where CRP staff were integral in achieving a mutually agreeable solution between the complainant and Bureau licensee. A notable complaint involved a disabled homeless veteran who was living out of his car when it was repossessed. He was having difficulty determining how to get the personal possessions he had in the car back, as the repossession involved a forwarding company. CRP staff worked with the forwarding company to identify who repossessed the vehicle and reached out to that repossession agency (RA). As a result of their efforts and the RAs cooperation, not only was the veteran's personal possession returned to him, the RA waived the storage fees. Chief Alarcon commented to Ms. Egsley that the issue was not with the RA and that it had properly carried out the repossession; rather, the issue was that there was no address – given the veteran's homeless status – for the required notices to be mailed.

Chief Alarcon reported that during the 2016-17 fiscal year, the Bureau referred 37 cases to the Attorney General's Office, primarily to seek revocation of a license; however, cases also included applicants' appeals of denials and licensees' appeals of a citation.

Legislative Update: Chief Alarcon provided a summary of the Assembly Bills (ABs) and Senate Bills (SBs) that were signed into law:

1. Assembly Bill 290 made permanent the exemption for dealers of agricultural and construction equipment to carry out repossession activities without holding a Repossession Agency license, under specified conditions. The exemption was first established in 2013 by AB 1877 and set to expire on January 1, 2018.
2. Assembly Bill 1616 prohibits a City or County to assess a civil penalty or fine against an Alarm Company Operator (ACO) or Alarm Company Agent (ACE) for a false alarm if the cause of the false alarm is not attributable to the ACO or ACE improperly installing the alarm system or a defective alarm system. AB 1616 does not require the Bureau to investigate or adjudicate any cause of action relating to penalties imposed by local jurisdictions against any ACO or ACE.
3. Senate Bill 420 clarified that criminal history information provided by the California Department of Justice (DOJ) to specified authorized entities includes sentencing information, if applicable. The Bureau is authorized by law to receive criminal history information from the DOJ on its applicants for licensure. Chief Alarcon noted that the legislation was introduced in response to a DOJ determination in March 2016 that prior law did not provide the explicit authority for the release of sentencing information.
4. Senate Bill 559 made several changes to the Private Investigator Act including extending the sunset date for a Private Investigator (PI) license to be held by an entity organized as a Limited Liability Company (LLC) until January 1, 2021. Effective July 1, 2018, the bill requires the Bureau to disclose on the Department's License Search site whether a PI licensee is organized as an LLC. It also required all PI licensees organized as an LLC to report to the Bureau any pending or paid claim against its liability insurance policy and for the Bureau to make the claim information public on the Department's License Search. In addition, the bill clarified that an employee of a PI licensee is not permitted to provide armed protective services incidental to an investigation that the licensee has been hired to carry out; that a PI licensee is not subject to the provisions of the Private Security Services Act's Disciplinary Review Committee (DRC) regarding violations of Bureau laws or regulations relating to firearms; clarified the allowable hours of credit for a Law Degree, Bachelor's Degree, or Associate's Degree that can be applied toward the required hours of investigative experience for licensure; and it made numerous technical

changes to the references of manager and QM throughout the Act to align with the changes for LLCs in the Corporations Code.

5. Senate Bill 547 was a Senate Business, Professions and Economic Development Committee omnibus bill that made various changes to the Business and Professions Code (BPC) including several relating to the Bureau. It established the new fees effective July 1, 2018 for the license types that support the Private Security Services Fund (all license types but PI). It also revised the implementation date for the assessment that will be required for a BSIS Firearms Permit applicant who is a Security Guard registrant from January 1, 2018 to “January 1, 2018, or on a date to be determined by the bureau, but no later than July 1, 2018”.
6. Senate Bill 800 was another omnibus bill that made several changes to the Business and Professions Code (BPC) including several relating to the Bureau. It eliminated the requirement that the expiration date of the Bureau qualifying license/certificate/registration associated with a Firearms Permit be synchronized with the expiration date of the Firearms Permit. This change was needed as result of the new assessment program for initial firearms applications. Additionally, the bill amended the definition of an “alarm system” to help clarify which entities must hold an ACO license. Prior law included the requirement that “police are expected to respond” to define an alarm system. SB 800 amended this provision to “police may respond.” It also clarified that the disclosure which must be provided to a consumer at the time that an alarm agreement with an automatic renewal provision is being entered into only applies to residential alarm agreements.

Law Enforcement Security Guard Guide: Chief Alarcon noted that the Bureau has been routinely sharing the guide when law enforcement officials contact the Bureau with questions regarding Security Guard (G) and Proprietary Private Security Officer (PSO) registrations. In an effort to share the guide with more agencies throughout the state, the Bureau reached out to the California Police Chiefs Association and the California State Sheriffs’ Association in the hopes of utilizing their infrastructure to get the guide out to more officers.

BSIS Outreach for Alarm and Locksmith Consumer Brochure: Upon the suggestion from a Committee Member during a prior committee meeting, the Bureau reached out to the California State Assembly about the possibility of getting the brochures distributed at Assembly Members’ town hall meetings. The Bureau presented the brochures to the Assembly Northern District Directors Network on August 30, 2017 and to the Southern District Directors Network on September 6, 2017. The Bureau is currently attempting to condense the

information provided in the guide to an abridged version that Legislators can provide on their websites.

Implementation Efforts on New Firearms Permit Assessment: Chief Alarcon noted that SB 1196, which was signed into law in 2016, required the Bureau to provide an assessment that must be completed by Security Guards applying for an initial Firearms Permit. The implementation of the assessment is a two-step process. The first entailed executing a contract with a licensed psychologist to assist the Bureau to identify the appropriate assessment instrument. The second step involves securing a third-party vendor that possesses the staff and infrastructure to issue the assessment at various geographical locations throughout the state. Completing these two steps in a 12-month window was a monumental undertaking and while the Bureau's efforts were moving forward as needed, it became apparent in July of 2017 that additional time was needed for executing the third-party vendor contract. For this reason, the Bureau reached out to the Legislature and language was added to SB 547 to amend BPC 7583.47 to provide the Bureau the additional time to execute the contract with the third-party vendor. Current law now reads that the assessment is to be implemented on January 1, 2018, or on a date to be determined by the Bureau, but no later than July 1, 2018. As the Bureau is in current negotiations for a contract with a third-party vendor, Chief Alarcon stated that she was unable to provide specifics regarding the selected assessment tool; however, she could state that the assessment tool had been identified. She added that the Bureau has hired and trained all staff required to address the additional workload from the assessment.

Committee Comment on the Discussion of the Bureau Chief's Remarks/Updates: Member Stanton Perez asked whether the assessment will be a written exam and personal interview. Chief Alarcon noted that per BPC 7583.47, individuals are only to complete a written assessment.

Member Marcelle Egley asked why AB 1247 was not discussed. Chief Alarcon noted that because AB 1247 was not a chaptered bill, it was excluded from her legislative update.

Member Matthew Lujan thanked the Bureau for revising the firearms application to include the suggested requalification schedule. He suggested that different color ink for completing the instructor certification page be considered a deficiency. Chief Alarcon stated that she thought that language on the certification page referenced a single-color ink; however, research by Bureau staff present at the meeting clarified that no language regarding ink color is included in the firearms application currently available on the Bureau's website. She noted that a deficiency letter would not be generated if the applicant portion of the application is submitted in one colored ink and the instructor section is completed in a different colored ink.

She furthered that if the single certification page is edited (e.g. information crossed out), the Bureau will mark the application deficient as staff are unable to determine who revised the certification page.

Member Matthew Lujan also requested clarification on the submission of copies for a firearms renewal application. He stated that some applicants have misplaced the original copy of their requalification page and that he has been asked by permitholders whether the facility/instructor can provide the scanned copy of the certification page or if the instructor must complete a new certification page with a "wet signature." Chief Alarcon noted that the request will be reviewed.

Member Anton Farmby asked how any entities can assist the Bureau for Security Guard renewals. Chief Alarcon noted that there are several things that can be done, but because the issue was not an agenda item for the meeting, the provisions of the Bagley-Keen Open Meeting Act prevented further discussion. She advised Mr. Farmby that could note the suggested the topic in Item 12, where committee members can provide suggestions on items for a future Advisory Committee Meeting.

Chief Alarcon commended the California Alarm Association (CAA) for its effort to increase the BreEZe participation rate on alarm agent registration applications.

Public Comment on the Discussion of the Bureau Chief's Remarks/Updates:
None

- 6. Discussion Regarding BSIS Fee Adjustments in SB 547:** Chief Alarcon explained that the new fees for licenses types regulated by the Alarm Company Act, Locksmith Act, Collateral Recovery Act, Proprietary Private Security Services Act and Private Patrol Operator Act will go into effect on July 1, 2018. She noted that any application for initial licensure submitted in BreEZe on or after July 1, 2018 will be subject to the new fees and any paper application with a U.S. Mail postmark on or after July 1, 2018 will be subject to the new fees.

She also noted that any renewal application for a current license, registration, permit or certificate with an expiration date of July 1, 2018 or later will be subject to the new fees. Chief Alarcon emphasized that the new fees for renewals are not based on the submitted or postmarked date of the renewal application, but on the expiration date of the current license type.

Chief Alarcon commented that during the transition period, the Bureau anticipates an increased workload for Bureau staff to handle applications involving incorrect fee payments; management is currently working to hire a permanent intermittent employee to handle the additional Cashiering workload. The Chief noted one difference with the fee changes is for the Baton Permits (BATs). Currently, BATs are purchased by Bureau-certified Baton Training Facilities who then issue them

to security guard applicants upon their completion of required training. Any BAT purchased by a TIB after July 1, 2019 will be subject to the new fee. Baton permits purchased by the Baton Training Facility before July 1, 2018 should be issued to the security guard trainee at the rate in effect before July 1, 2018. The Chief urged Members and attendees to sign up for the interested parties mailing list as the Bureau will be issuing updates and reminders for the new fee schedule and firearms assessment prior to July 1, 2018.

Committee Comment on the Discussion Regarding BSIS Fee Adjustments in SB 547:

None

Public Comment on the Discussion Regarding BSIS Fee Adjustments in SB 547:

None

7. Discussion of Technical, Statutory, and Regulatory Updates to Firearms Training Manual:

Chief Alarcon commented that during the July 2016 Advisory Committee Meeting discussions were held about changes needed in the BSIS Firearms Training Manual. She introduced Deputy Chief Sam Stodolski and noted that he would be presenting a summary of the changes being proposed to the Manual.

Deputy Chief Stodolski stated that the statutory and regulatory references in the Manual were updated to reflect changes in the California Penal Code, California Business and Professions Code Sections, and Bureau regulations (Title 16, Section 7). He noted that the updates included adding the enacting legislation's chapter number to each section of law referenced in the Manual. Mr. Stodolski also noted the following changes: the addition of the Bureau's new regulation section, Section 635.1, which details acceptable targets for range qualifications for the purpose of obtaining or renewing a Bureau Firearms Permit; language detailing the required association of qualifying licenses to the firearms permit was deleted to align with changes made pursuant to SB 800; the new requirement in Bureau regulations relating to firearm simulators for firearms permit requalification was added, revisions were made to clarify the acceptable forms of citizenship verification required to be reviewed by the Firearms Instructor; FAQs for Peace Officers were removed and replaced with Bureau information on peace officer exemptions; language regarding transporting a firearm was revised.

Chief Alarcon reiterated that the sections that were removed and revised were a result of changes to the laws and regulations as well as ensuring the Manual did not provide direction on areas in which the Bureau does not have jurisdiction.

Committee Comment on the Discussion of Technical, Statutory, and Regulatory Updates to Firearms Training Manual:

Member Cruz suggested changes be made to clarify the scoring for multiple calibers. He specifically wanted page 13 to be clarified to note that individuals must complete 50 practice rounds and 50 scored rounds per caliber. Deputy Chief Stodolski responded that page 13 is directly pulled from the regulation (Section 635) and any clarification or changes would require the submission of a regulatory change.

Member Lujan asked whether an applicant who is completing training in the initial firearms class is required to complete 100 rounds per caliber. Deputy Chief Stodolski affirmed that applicants must complete 100 rounds per caliber. Chief Alarcon noted that the clarification may not be able to be completed as part of the Manual revisions because incorporating a requirement would require the Bureau to undergo the rulemaking process. However, she stated that the Bureau would research to see if the clarification can be made elsewhere in the Manual that wouldn't require the rulemaking process.

Member Lujan requested clarification on whether the two-hour refresher class, which is required for renewal, can be completed online. He mentioned that the industry has begun offering the two-hour class online and requested that the Bureau specify that the refresher course be completed in a traditional classroom setting. Deputy Chief Stodolski stated that the information provided in Bureau regulation Section 632 identifies the training to be provided in a traditional classroom setting.

Member Lujan commented that he appreciated the clarification made to the scoring of the written exam; however, he noted that the test is still confusing to instructors as the scoring sheet is numbered 1-76, yet there are only 52 possible points (50 written answers and 2 diagrams). He suggested reformatting the exam to replace the numbers with alphabetical letters in the two diagrams.

Member Lujan disagreed with the Bureau's removal of the section pertaining to the transportation of a firearm. He suggested that the Manual instead be updated to outline instances in which a Bureau licensee is not in compliance when transporting a firearm. In response, Deputy Chief Stodolski stated that the Manual previously detailed the exemption for a uniformed Security Guard while going to and from work under the condition that the weapon be secured in a locked

container during transportation. When updating the Manual, however, Bureau staff noted that the provisions for this are in the Penal Code, which was outside the Bureau's jurisdiction. Chief Alarcon asked Member Lujan to provide specific sections of the Manual that he believes should be updated so they can be reviewed and addressed. He did not have the passages ready and stated that he would research and submit the requested data.

Member Lujan asked if the revised Manual will also include information regarding the firearms assessment. Chief Alarcon stated that the current Manual is outdated and she is hesitant to postpone its release given that the firearm assessment activities are still ongoing.

Member Huntington asked if the Bureau would reinstate the firearms permit applications on BreEZe in the future, noting that perhaps the Manual could include the instructors discussing how to upload the required documents. Chief Alarcon noted that multiple attempts were made to explicitly notify BreEZe applicants to attach the required documents, yet the deficiency rate never dropped. She stated that the Bureau is unlikely to reinstate the firearms applications on BreEZe due to the significant impact the deficiencies previously had on processing timeframes.

Member Perez noted that previous areas of confusion have been clarified by the updates to the Manual and requested verbiage be added that specified where the firearm is to be drawn, specifically from the side holster, during qualification. He stated that indoor training facilities do not require individuals to pull from the side holster but instead require individuals to fire from the ready position. Also, he requested clarification on whether the time starts when the instructor says, "Fire" or when the first bullet is fired. Deputy Director Stodolski noted that current regulations do not cover the holster or timing. Chief Alarcon questioned how the procedures have been put in place when it is not included in the regulations. Deputy Chief Stodolski stated that the directions are included in the old Manual. Member Perez also noted that armed guards in marijuana dispensaries carry holsters on their tactical vest. He argued that per BSIS regulations, individuals are only allowed to carry a firearm in the manner in which they are trained. Thus, he queried whether these holsters are allowed.

Member Lujan responded to Member Perez, noting the current language in Bureau regulations that specifically addresses holsters. He suggested using that verbiage. Chief Alarcon noted that the Bureau should prevent any directives (i.e. underground regulations), which are not explicitly grounded in regulation.

Member Rahn asked if he could submit suggested edits on the Manual via email. Assistant Chief Counsel Pane cautioned against “serial meetings” and recommended that the Committee return for a collective discussion. Chief Alarcon if Members could share ideas on possible updates to the Manual on a one-to-one basis, which he noted was compliant with Bagley-Keene. Chief Alarcon stated that Members may directly email herself, Deputy Director Stodolski, or Policy staff regarding ideas to be incorporated in the Manual. She then stated that the Bureau would gather the submitted suggestions and bring them back before the Committee for a collective discussion.

Chief Alarcon asked whether those in attendance saw any problematic items in the current version of the Manual that would prevent the release of the document.

Member Cruz stated that the current version is satisfactory but clarification was needed for the scoring guide as a shot to the head previously received points. Deputy Chief Stodolski noted that the change was a result of regulatory changes not a change in the Manual.

Member Cruz asked for clarification on whether the B27 NRA is the proper target to be used during training. Stodolski clarified that the specific target specifications were removed from the Manual and was updated to include two dimensions- if the target fits within the dimensions, then it is compliant.

Chief Alarcon agreed that additional changes need to be made to the Manual and suggested that the document be released as soon as possible given that the current version is significantly outdated. She asked Members if the Bureau should send out an email blast through the Bureau’s interested parties list and/or mail individual letters directing training instructors and facilities to review the changes on the website. She further asked whether webcast training should be provided to instructors and facilities. In response, Member Lujan suggested a bulleted letter be mailed out to training facilities and instructors on the important changes.

Member Perez requested clarification be added to the Manual for transporting a firearm and noted the legal ramifications of non-compliance.

Chief Alarcon proposed a two to three-member subcommittee be created to assist the Bureau in reviewing this issue. Assistant Chief Counsel Pane noted a two-member subcommittee was needed. Chief Alarcon requested a motion that two Members be designated to work with the Bureau to develop the language to clarify the scoring for a headshot and transporting firearms. Member Perez made the

motion to create the subcommittee and Member Farmby seconded the motion. Roll call for the motion to create a subcommittee to develop updated language for the Manual regarding headshot scoring and transporting firearms was partially completed. Prior to voting, Lujan requested the motion be amended to replace the clarification of the headshot scoring to anything outside the seven-ring. Chief Alarcon rescinded the first motion to incorporate Member Lujan's suggestion.

She then requested that a motion to designate two individuals from the Committee to clarify shots outside the seven-ring and the transport of weapons by the permitholder. Member Farmby made the motion to designate two Members to clarify shots outside the seven-ring and the transport of weapons by permitholders and Member Cruz seconded the motion. Member Egley made a motion to rescind the motion given that there was no discussion on the motion. Chief Alarcon requested Committee and public comment on the proposed motion to designate two Members to clarify shots outside the seven-ring and the transport of weapons by permitholders. She then requested comments from the Committee and the public. Upon hearing no comments, the roll was called and the motion was approved on a 11-0 vote.

Chief Alarcon asked the Committee whether the Bureau should identify the two Members for the subcommittee or if the Committee wants to make a formal motion to select them. Member Rahn stated that the Bureau should be granted the authority to select members of the subcommittee. Chief Alarcon requested a motion that the Bureau be given the authority to designate with whom the Bureau will be working on the two issues identified in the previous motion. She then requested comments from the Committee and Public regarding the motion. Member Perez suggested designating a law enforcement Member to the subcommittee given the discussion of the legal transportation of firearms for permitholders. Member Farmby made the motion to grant the Bureau the authority to designate the two-member subcommittee and Member Cruz seconded the motion. Upon no comment from the Committee and public, the motion was called and approved on a 11-0 vote.

Chief Alarcon asked the Committee if the drafted Manual should be rolled out, as is, and continue to work on the language for the two items previously discussed. Member Cruz stated that current version is ok. Member Perez concurred with the understanding that modifications are forthcoming. Members Perez and Owen concurred. The Chief requested a motion to roll out the Manual in its current state. Member Perez made the motion that the current version of the Manual be rolled

out and Member Farmby seconded the motion. Upon no comment from the Committee and public, the motion was called and approved on a 11-0 vote.

Public Comment on the Discussion of Technical, Statutory, and Regulatory Updates to Firearms Training Manual:

None

8. Discussion Regarding Retention Requirements for Investigative Reports Completed by Private Investigators and Provided to Clients:

Chief Alarcon stated that the Private Investigators Act requires a PI licensee to exercise diligence in ascertaining that the facts and information in its investigative report are true and correct and requires the PI licensee to provide the report to a client. She stated that it is a violation of the PI Act for a PI licensee to willfully fail or refuse to render to a client services or a report as agreed upon between the parties. However, there is no requirement in the Act that the PI licensee retain a copy of the investigative plan agreed upon between the licensee and client or a copy of the investigation report. She further noted that many complaints the Bureau receives involve complainants alleging that the PI did not render the services agreed upon. In addressing the issue with the PI licensee, the Bureau discovers that they often do not have the records relating to the agreed-upon investigative plan or report. Chief Alarcon then introduced Deputy Chief Sam Stodolski to discuss this item further.

Deputy Chief Stodolski stated that the PI Act does not specify a records retention schedule and noted that a majority of the complaints for PI licensees involve allegations that services were not rendered or were not rendered to their satisfaction. In many cases, the complainant cannot provide the Bureau with documents that specify what was promised by the licensee. He stated that it is difficult for the Bureau to determine whether services had been rendered if the contract is not retained by the licensee. Deputy Chief Stodolski requested the Committee to consider a retention schedule for Private Investigator's contracts and/or reports.

Chief Alarcon asked if there are any current best practices relating to record retention in the Industry.

Committee Comment on the Discussion Regarding Retention Requirements for Investigative Reports Completed by Private Investigators and Provided to Clients:

Member Huntington noted that there are no Industry-wide best practices; rather, retention schedules are individualized, stating that some investigators retain records for seven years. When asked by Chief Alarcon whether the Industry would object to a retention schedule, he stated that he would not anticipate objections. Member Huntington then asked Deputy Chief Stodolski about the retention schedules for other Industries regulated by the Bureau and how far in the past complaints are made against PI licensees. Deputy Chief Sam Stodolski stated that the Private Security Industry retains records for two years and that complaints

against PI licensees vary widely with regard to the incident date but generally are within one year to five years.

Chief Alarcon asked if there should be a records retention schedule and if a schedule were to be adopted, what would be a reasonable timeframe. Member Huntington stated there should be a standard records retention schedule for consumer protection. He reiterated that a seven-year retention policy has been informally adopted by some PI licensees. He argued that any policy be phased because it would not be possible to retroactively ask someone to keep records for five to seven years. He also noted that no one should be required to keep paper files, with today's ability to retain digital files.

Member Inglis asked if there would be any issues with confidentiality if a third-party (e.g. Bureau) reviewed the PI's report for a complainant to determine if services were properly rendered. Chief Alarcon asked if the investigation report is the property of the client. To address any issues with confidentiality, the Chief stated that the Bureau would require a release from the complainant/client prior to examination of the report. Deputy Chief Stodolski stated that most of the complaints against PI licensees do not include a copy of the contract or the report. As a record retention policy is not mandated, complaints often entail the consumer alleging that services were not rendered and the licensee alleging that the services were rendered and that a complete report was indeed provided to the client.

Chief Alarcon noted that the retention policy in the other Practice Acts include statutory authority for the Bureau to request a copy of the report to verify compliance with the policy. Member Huntington suggested parsing the policy to state that the Bureau has the authority to access the retainer agreement with all other reports requested from the licensee on a case-by-case basis.

Chief Alarcon asked Member Huntington if there were national standards for PI retention policies. He responded that he was unaware of any standards and would need to conduct research to determine if national standards exist.

Chief Alarcon asked if the retention policy should be formatted similar to the Alarm Act that mandates specific aspects be included in the contract. Member Huntington expressed concern with mandating standardized fields to be included in all PI contracts. He stated that there currently is not a requirement that a PI have a signed retainer agreement with a client and noted that a retainer could technically be as simple as a two-sentence email.

Chief Alarcon asked if a retention policy should be developed, if that policy should include the statutory authority for the Bureau to access said records, and whether the Bureau should have access to those records. Member Huntington suggested developing a retention policy with a set number of years. Chief Alarcon asked Member Huntington if there should be an expectation of record retention for a certain amount of time and if there should be an expectation of consequences for failing to abide. She listed out possible actions to be taken for these violations and Member Huntington stated that he believed the Industry would support the retention policy and that he didn't know why a requirement would be implemented with no consequences for failure to abide by the requirement.

Public Comment on the Discussion Regarding Retention Requirements for Investigative Reports Completed by Private Investigators and Provided to Clients:

Jerry Desmond, who is the legislative advocate for the California Association of Licensed Investigators (CALI) echoed Member Huntington's comments regarding the development of a records retention policy. He stated that CALI had only learned of this issue at the Committee Meeting. He noted that the association is currently researching how to define the contents of the investigative record and identify a retention schedule. He stated that CALI is taking the issue between the investigator and consumer seriously and is analyzing the need for legislation. Chief Alarcon responded, noting that the discussion is informative in nature and emphasized that the Bureau is not currently pursuing any Legislative proposals. Member Huntington thanked Mr. Desmond for his comments.

- ~~9. Discussion Regarding Alarm Agents, Locksmith Employees, Security Guards, and Proprietary Private Security Officers Must Be Employees and not Independent Contractors (1099-Misc Recipients):~~
~~As previously noted, this item was removed from the meeting agenda.~~

- 10. Discussion on Frequency Meeting Schedule for Advisory Committee:**
Chief Alarcon noted that the Advisory Committee currently meets quarterly on the second Thursday in January, April, July, and October, but she noted that a couple meetings each year have historically been cancelled due to extenuating circumstances at the Bureau. Chief Alarcon asked the Committee members whether they believed the current frequency is appropriate given the past cancellations and the fact that, as volunteers, the Members are not reimbursed for their travel and time.

Committee Comment on the Discussion on Frequency Meeting Schedule for Advisory Committee:

Member Westphal agreed that the current frequency could be adjusted and suggested a biannual or triannual schedule with the elimination of the Summer Advisory Committee Meeting.

Member Rahn stated that he preferred four meetings but would be amenable to triannual meetings.

Member Farmby agreed with Member Rahn that the current schedule of quarterly meetings is appropriate. He then stated that if the Committee collectively wanted to reduce the frequency of meetings, the Committee should meet no less than triennially.

Member Owen stated that he is amenable to the frequency rate that the Committee deems appropriate.

Chief Alarcon reiterated that meetings have historically been cancelled as a result of the Bureau's requirement to meet other deadlines. She warned that if the Committee wants to keep the current quarterly schedule, they must be aware that the Bureau may cancel upcoming meeting(s) due to current extensive efforts that will be required to establish the firearms permit assessment program and new licensing fees. She asked the Committee if a triannual meeting schedule would be appropriate.

Member Huntington agreed with Chief Alarcon's proposal to hold triannual Advisory Committee Meetings, referencing the cancellation of the October meeting as evidence that four meetings are not necessary.

Member Egley suggested that the July meeting be cancelled due to the upcoming challenges facing the Bureau. She stated that three meetings would be sufficient.

Member Huntington stated that he would prefer a set three-meeting schedule rather than a set four meeting schedule in which there is a possibility that meeting(s) may be cancelled.

Member Farmby asked that if the Committee were to transition to a triannual meeting schedule, would meetings still be cancelled. Chief Alarcon stated that historically there has been no fewer than two meetings in a calendar year.

Member Farmby then echoed Member Huntington's comment that meetings should be set with the intention of meeting. He stated that he is amenable to what the Committee decides, but emphasized that the meetings be held consistently. Chief Alarcon stated that the Bureau always intends to hold the meetings, but occasionally is forced to cancel meetings due to operational needs, deadlines, and staffing limitations to prepare appropriately for the meetings.

Member Rahn proposed to retain the current quarterly schedule and revisit the issue at a future meeting.

Member Perez stated that he would be willing to attend meetings at the frequency determined by the Bureau as he is serving at the pleasure of the Bureau. He stated

that he sees no issues with scheduling three set meetings with the possibility of scheduling an additional meeting.

Member Lujan noted that he believes that the triannual meeting schedule would be best and suggested meetings be scheduled for February, June, and October. Chief Alarcon asked whether this meant that the Committee would need to meet in the following month (February). Member Lujan clarified that the February meeting would be cancelled.

Member Farmby asked whether a June meeting would be possible given the Bureau's July 1 deadline to implement two statutory mandates.

Member Egley echoed Member Farmby's comment and stated that she did not believe the June meeting would be possible given the change in fees and firearms assessment that take place in July. She suggested meeting in April then setting the next meeting in October. Member Egley noted that there may be substantive preparation to be completed prior to the April meeting. Member Huntington added that the Bureau would be very busy near the end of the fiscal year. Chief Alarcon noted that she expects the Bureau to be busy in April and July, the latter of which is the time when the fees and firearms assessment must rollout. She then stated that she anticipates the Bureau to be busy between the months of April and August.

Member Farmby asked Chief Alarcon if a meeting could be scheduled for March and revisit the meeting schedule issue at the October meeting. Chief Alarcon notified the Committee that Bureau staff would be limited in creating a robust agenda for a March meeting given the time constraints driven by the Bagley-Keene Open Meeting Act. She noted that she would be agreeable to scheduling a meeting in March and October.

Member Egley stated that she is willing to skip the March meeting due to time constraints. In response, Chief Alarcon suggested meeting near the end of March.

Upon consultation with Assistant Chief Counsel Pane, Chief Alarcon noted that a formal motion is unnecessary as the Committee is not formally modifying the schedule from quarterly meetings. She stated that the Bureau would work with Members to schedule a meeting in March. Additionally, the October meeting would commence as previously scheduled.

Member Murrish noted the holidays at the end of March. Member Huntington estimated that holiday-related vacations would be taken the week prior and following Easter, which falls on April 1st. Chief Alarcon asked the Committee if they had any foreseeable conflicts during that time-period. The Committee stated that they did foresee any conflicts.

Public Comment on the Discussion on Frequency Meeting Schedule for Advisory Committee:

None

11. Public Comment on Items Not on the Agenda

None

12. Committee Members' Recommendations for Items for Future Advisory Committee Meeting Agenda Items:

Member Owen stated that he did not have any recommendations.

Member Huntington stated that he did not have any recommendations.

Member Perez asked to briefly discuss how/if the Bureau can notify a Security Guard's employer when the guard employee is suspended or undergoing discipline. He noted that currently, notification of disciplinary proceedings and/or a suspension of a license is only available on the Bureau's public website. He stated that, to his knowledge, employers are not currently notified when a security officer is suspended or undergoing the Bureau's disciplinary process. Chief Alarcon consulted with Assistant Chief Counsel Pane on the legality of addressing Member Perez's question. Chief Alarcon then noted that the discussion would be added to the March meeting's agenda.

Member Egley stated that she did not have any recommendations.

Member Farmby asked to include a discussion on how entities could assist the Bureau with guard card applications and renewals. Chief Alarcon asked Member Farmby for clarification and queried if his suggestion entailed outreach to reduce deficiencies, which he confirmed.

Member Inglis stated that he did not have any recommendations.

Member Rahn stated that he did not have any recommendations.

Member Cruz asked that the Firearms Manual be revisited. He additionally asked to discuss the Bureau's position on digital licensing verification, which would allow licensees to verify their status via their smart phone.

Member Lujan noted that replacement licenses are challenging to obtain and wished to discuss this further. Chief Alarcon noted that the applicable form is currently in the process of being updated.

Member Mohrfeld stated that he did not have any recommendations.

Member Westphal stated that he did not have any recommendations.

Member Murrish asked to revisit the frequency of the Advisory Committee meetings.

Public Comment on the Committee Members' Recommendations for Items for Future Advisory Committee Meeting Agenda Items:

None

13. Adjournment

Chief Alarcon requested a motion to adjourn the meeting. Member Farmby made the motion, which was seconded by Member Rahn. The motion to adjourn the meeting passed on a 12-0 vote and the meeting adjourned at 1:56 P.M.

DRAFT