



Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes
For October 8, 2020 Meeting

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

Industry Members Present

Brian Boeglin (Alarm Company Industry)
Phil Chachere (Training Facilities)
Frank Huntington III (Private Investigator Industry)
Mark Miller (Private Security)
Christopher Sayers (Proprietary Security Employer Industry)
Glenn Younger (Locksmiths)

Public Members Present

Anton Farmby
Nancy Murrish
Stanton Perez
Eli Owen

Members Absent

Darren Morgan (Public Member)

Bureau Staff Present

Lynne Andres – Chief
Gloriela Garcia – Deputy Chief, Licensing and Policy
Samuel Stodolski – Deputy Chief, Enforcement
Antoine Hage – Manager, Policy and Administration Unit

Minutes Taken By

Steven Mao

1. Call to Order

Meeting called to order by Bureau Chief Lynne Andres at 10:02am.

2. Swearing in of any new Advisory Committee Members by Department of Consumer Affairs Director Kimberly Kirchmeyer

At 10:06am, Director Kimberly Kirchmeyer swears in Mark Miller, Glenn Younger, and Phil Chachere.

3. Roll Call

The item was taken out of order- it followed Bureau Chief Andres' meeting call to order. (Item 1).

The Bureau's Policy Manager, Antoine Hage, called roll at 10:04am. Quorum was then subsequently established with Eight Members present.

4. Review and Approval of Minutes from October 10, 2019 Meeting

At 10:19am, Motion to approve minutes from February 13, 2020 meeting was motioned by Anton Farmby and 2nd by Mark Miller.

The item was taken out of order – it followed the Introduction of Committee Members.

Introduction of Committee Members

At 10:12am, Chief Andres calls on the following committee members one by one to introduce themselves.

- Brian Boeglin – ACO industry representative and served on the California Alarm Association as Sergeant-at-arms.
- Phil Chachere - Over 20 years as BSIS Baton/Firearm Instructor.
- Anton Farmby – VP of SEIU. Represents about 20,000 security officer personnel in the State of California.
- Frank Huntington – Private Investigator industry representative serving second term as a committee member. 30 years investigator in Sacramento. Proud member of CALI, the California Association of Licensed Investigators. Served 10 years as chairman of the board and currently the secretary of the association.
- Mark Miller – With Securitas for 29 years. Legislative director for Calsaga.
- Nancy Murrish – Gerontologist. Works in older adult advocacy and education.
- Eli Owen – Committee member for 2 years. 6 years at Cal OES-Governor's Office of Emergency Services working homeland security issues. 10 years with the CIA.
- Stanton Perez – Retired California Highway Patrol Chief. Vice President of an international security firm. Owner of a private consulting business.
- Chris Sayers – Disneyland representative. Anaheim PD for 29 years.

- Glen Younger – Locksmith Industry representative. Owner of an access control company in San Diego. On the Contractor's State Licensing Board test update committee and ASIS legislation committee.

5. Bureau Chief's Introduction, Welcome Remarks, and Bureau Updates

Chief Andres provides a summary of Bureau updates at 10:23 am.

The Bureau was closed to the public for several months, but the staff continued to work really hard behind the scenes. The bureau instituted an expedited processing system for the first 8 weeks because of the pandemic. Guards were in such high demand providing services at healthcare clinics and hospitals, so the bureau did their part by speeding up the process. The bureau was approving guard applications within 24 hours, approving a little over 600 in 8 weeks. Since then, the bureau has gone back to normal processing and have reopened to the public several months ago.

The Bureau has a terminal in the lobby for about 6-8 months for customers with issues with their online application. With the terminal there, Bureau staff can assist the customers with their online application submission.

Another change to the Bureau is the update to the website to be more user friendly as well as mobile friendly. Along with the newly updated website is also the new Twitter account and new Facebook account.

Chief Andres' last topic was an issue that was brought up by Mr. Farmby in the last meeting about AB5. This is out of the bureau's jurisdiction and is still being litigated. The bureau cannot offer any guidance on the issue.

6. Update on the Bureau's Licensing Unit

Chief Andres introduced Jasmine Argo, Staff Service Manager of the Bureau's Licensing Unit, at 10:29am to present information on the state of the Licensing Unit.

Licensing Manager (LM) Jasmine provides updates on licensing application volumes.

- There is currently a total of 289000 Security Guards and 35000 firearm permits.
- Total license population of all license types with a total of 475000 licenses.

LM Jasmine then provides fiscal year end numbers.

- A 6% decrease of applications received from prior FY for a total of 86671.
- A 7% decrease of applications issued from prior FY with a total of 74765 applications issued.
- A 6% increase of applications renewed from prior FY with a total of 119000 applications renewed.

LM Jasmine then gives updates on processing timeframes

- Prior FY turnaround times met 83% of our processing goals.
- Currently, we are meeting 70% of our processing goals.
- Implemented online submission for Initial Firearms on October 16, 2019.
- As of August, online participation rate for online initial firearm submission is at 44%.
- Implemented online submission for Renewal Firearms on January 9, 2020.
- As of August, online participation rate for online renewals is at 44%.
- Processing online submitted applications between 4-5 weeks.
- Firearm renewals and paper applications are processed around 8 weeks.

Chief Andres adds that with around half a million licensees and with 20+ license types that the Bureau handles, staff will take their time approving the applications due to the high volume of applications received.

Chief Andres also explains that the call center takes 100% of all calls to the Bureau. The call center takes calls for several boards and bureaus and takes over 1000 calls a day. Majority of the calls are status checks and wanting to know processing times. Chief Andres reminds everyone that the processing times are posted on the website. Also, to avoid deficiencies for processing without delays which includes getting Live Scan. This means that when applicants get a Live Scan, make sure the name and social security number matches the application exactly so the system can auto match the responses. The best way to reach the bureau is by sending an email to bsis@dca.ca.gov. The emails are usually answered within 1 business week and is 100% managed by bureau staff.

Chief Andres opens the floor for any questions on the licensing process.

Brian Boeglin, who represents the Alarm Industry, asked if he can get a directory to work with the staff member that processes the Alarm Company applications.

Policy Manager Hage states that the email addresses to the company desks can be provided. Also, the BSIS website has a new feature in the Contact Us section with drop down menus to contact specific units and required fields to gather customer information.

7. Update on the Bureau's Enforcement Unit

The Chief introduced Deputy Chief (DC) Sam Stodolski at 10:41am, who then proceeded to present the Enforcement update.

DC Stodolski started with updates on the disciplinary unit and the implementation of AB 2138. AB 2138 limited the bureau's discretion as far as reviewing backgrounds and criminal history. This required some policy and procedures to be put in place. Some job aids and additional training for staff was also done to help with reviewing interactions and knowing what can or cannot be denied. This change can make some cases longer to review since more research is required on the Penal Codes.

DC Stodolski moves on with the Complaint Resolution Unit stating that staff has mediated over 600 consumer complaints last year. The staff achieved \$190,000 in savings for consumers. The complaint resolution staff has also been helping with the PPO licenses that are suspended due to not having insurance. They have been researching to find anything that shows if the suspended companies are still operating without insurance.

Next, DC Stodolski provides updates on the Enforcement Unit. DC Stodolski states that it has been tough for staff this year due to the pandemic. The staff travels and goes out to the fields to do inspections and meet with licensees. But due to the pandemic, staff has been grounded since March. Staff has been working on clearing out a lot of their inspections that they have already been working on. The staff did some virtual inspections and have completed 269 inspections this Fiscal Year, which was substantially higher than the previous Fiscal Year. Additionally, the staff has been working towards reducing their investigation cycle time. Staff has accomplished this with an average of 111 days from start to finish and keeping under the target goal of 4 months. Also, the number of citations that were issued last Fiscal Year, 40% of them were unlicensed activities.

DC Stodolski's last agenda was the update on the Special Investigator position that the bureau has been working on since last year. The bureau has been working on reclassing a position to Special Investigator to participate on Stings and Sweeps with Law Enforcement. The position is still pending approval from CalHR.

DC Stodolski then asked if there were any questions on his presentation.

Mark Miller, who represents the Private Security industry, asked if he can get a brief overview on AB 2138.

DC Stodolski replies by saying that AB 2138 narrowed down the scope in which a board or bureau can deny a license. Previously, the discretion on denial was very broad and someone with 20 years' worth of convictions could be denied a license. AB 2138 set a more specific parameter such as someone with a felony conviction over 7 years old could not be denied unless it was 1 of the specified violent felonies.

Frank Huntington, who represents the Private Investigator industry, asked for a breakdown of which industries received the citations for unlicensed activities.

DC Stodolski responded that he did not have the numbers at the moment but will follow up with everyone once he gets that information.

Brian Boeglin, who represents the Alarm industry, asked for clarification on the guidelines for conviction denials. Specifically, under the new provisions of AB 2138, could a conviction more than 10 years be deniable?

DC Stodoski responds that the denial criteria must be substantially related to the duties of the license and these criteria has always been the process. Under the new provisions of AB 2138, any convictions more than 7 years old could not be considered for denial unless the conviction is classified as a violent felony. The bureau would have to look at the penal code to check if the offense is classified as a violent felony in order to deny for a conviction that happened more than 7 years ago.

Phil Chachere, who represents Training Facilities, asked if there is a list of convictions that the bureau would deny for to provide to his students.

DC Stodoski responds that there is no list of convictions that that would either be denied or approved. Every criminal record is looked at in its entirety.

Phil Chachere follows up by asking if it is a good idea to have his students write a brief explanation of their situation and possibly obtain court records to attach to their application.

DC Stodoski responds that it is absolutely a great idea for the students to obtain court records of their conviction to attach with their applications. Especially if the records show rehabilitation which will be taken into consideration when reviewing the criminal record.

Brian Boeglin, who represents Alarm industries, asked what the current state is on the Alarm Company Employee in regard to the conviction question being removed on the applications.

DC Stodoski responds that with the provisions of AB 2138, the conviction questions were being removed from all applications.

Policy Manager Hage adds that all of the conviction questions on all of the applications have been removed except for the Alarm Company Employee (ACE) application. He adds that although the conviction questions are still on the ACE application, the questions are optional. The conviction questions were not removed from the ACE applications because of how the Alarm Act is phrased in the Business and Professions code.

8. Update on Legislation Impacting the Bureau and the Private Security Industries

At 11:03am Antoine Hage, Manager of the Bureau's Policy and Administration Unit, provided an update on all bills that have been chaptered and signed with an effective date of January 1, 2021.

1. AB 2471 – By assembly member Maienshein. Extends the period of time to cancel an alarm system contract from 3 days to 5 days if the buyer is a senior citizen as defined and it's for contracts or offers to purchase that are entered into after January 1, 2021, pursuant to sections 1689.6 & 1689.7 of the civil code. Those are the 2 essentially what the notice of cancelation verbiage needs to say.

2. AB 2759 – Extends the time to reinstate an expired repossession agency license from 3 to 10 years. This also allows an immediate family member, in the death of a repossession agency licensee who is licensed as a sole proprietor or as an individual, to allow that immediate family member to continue the business under the same license number and business name only if they submit a written request and another initial application within 120 days following the death of the licensee.
3. SB 1474 – This bill authorizes DCA boards and bureaus to take disciplinary action against the licensee if the licensee fails to comply with an order of abatement within 30 days. It also extends the authority of a private investigator licensee to be structured as a limited liability company to January 1, 2024. Lastly, this bill prohibits a licensee from including a provision in a contract or in a proposed contract that would limit the consumer's ability to file a complaint with a board or bureau or participate in an investigation into the licensee.
4. AB 2113 – This bill requires DCA boards and bureaus to expedite the initial license process for an applicant who provides evidence that they have been admitted to the U.S. as a refugee or have been granted political asylum or have special immigrant visa.
5. SB 878 – This bill requires DCA boards and bureaus to display application processing timeframes at least on a quarterly basis.

9. Update on Enacted or Pending Regulations

At 11:07am, Antoine Hage, Manager of the Bureau's Policy and Administration Unit, updates the Committee on the enacted or pending regulations.

1. Substantial Relationship Criteria, Criteria for Evaluating Rehabilitation (AB2138) - The first item is essentially as a result of AB 2138, which is the bill that was discussed on the Enforcement side. This particular bill required us to put in regulations the substantial relationship criteria that we have to consider when denying a license or the criteria for evaluating rehabilitation.
2. Badge and Patch Criteria – No official language at the time and is currently more of an internal discussion because there are no regulations right now to describe this process. The process will not necessarily change what the bureau is currently doing but wants to make the criteria official in regulations to streamline the process and be able to hold everyone accountable.
3. Section 100 (Clean Up) – This one is essentially just a cleanup regulations that does not get notice to the public. Will fix typos, grammatical issues, and updates to the law that do not provide any substantive change to the regulations.
4. Private Investigator Fee Increase (SB 385) – For bureau to recoup the cost of the private investigator pocket card which came as a result of SB 385. Currently cost for industry member is \$5 out of pocket but the bill requires the bureau to collect the that fee through the applicant fee. The cost of each card will be \$4.

Chief Andres opens the floor for questions from Committee Members.

Mark Miller, who is the representative for Private Security Industry, asked if there will be opportunity for industries to participate in the discussion on the proposed regulations.

Policy Manager Hage responds by saying that the AB2138 was noticed for public comment but closed a long time ago. The rest of the proposed regulations have not been noticed to the public until the language is complete. The process will be sending the notice to the public and give them 45 days for public comment. Then the comments are reviewed to see if any changes will need to be done to the text. Once the changes are made, another notice for a period of 20 days will be open with the modified for public comments.

Brian Boeglin, who represents Alarm Industries, asked if there are any updates to the private investigator pocket cards?

Chief Andres responds by saying that this is the topic of the next agenda.

Chief Andres opens the floor for questions from the Public.

Shane Clary from the California Alarm Association has 2 questions.

1st question - Shane ask if the Section 100 is in the Division 7 Title 16?

PM Hage responds saying yes, it is only for the bureau regs.

2nd question - Shane ask if the badge discussion is for badges worn by people responding to alarms such as alarm agents or also for people doing inspections on fire alarm systems in accordance to title 19 of the California Code of Regulations.

PM Hage responds saying that to his understanding from internal discussion, the focus is only on the Private Patrol Operators. There are no talks of other industries right now.

David Chandler, president of CalSaga, would like to thank the bureau for all the hard work during this pandemic by expediting security guard applications. He is also looking forward to working with Antoine and the bureau chief on the badge and patch regulations. Also, he thanks all board members for serving on the committee.

William Wright suggested the use of 5-point star badge for private security because it is hardly used by law enforcement in the State of California.

Chief Andres responds by saying that the use of the 5-point star versus the 7-point star is an angle that the bureau is looking into.

10. Update Regarding Private Investigator Pocket Cards

At 11:26am Antoine Hage, Manager of the Bureau's Policy and Administration Unit, updated the Committee on current process of the new Private Investigator Pocket Cards. The idea of working with DMV to use their database for the photos did not work out this year but will continue to pursue this option. Currently, the bureau is working with PSI who is the current vendor for the photo id cards. The bureau is working on a new design that is cleaner and more professional looking. The process does not change a whole lot from the current process except for a couple of changes. Currently the PIs have to pay the ID fee directly to PSI but the bureau will be running a regulations package to tack on the ID fee to the application fee as the bill requires. The bureau is also looking to streamline the photo id process so that PIs who already has their picture in PSI's system will not have to back to a PSI center every time a new ID is ordered. The photos in the system should be good for at least 10 years before a new photo is needed.

Chief Andres opens the floor to the Committee Members for questions

Frank Huntington, who represents the Private Investigator Industry, comments that the biggest issue the PIs had with the current photo id is the quality of the photo. The photo quality looks cheap and fades quickly.

Chief Andres responds by saying that the bureau has spoken with PSI and made them aware that the photo ids they are producing are substandard and the PIs are not very happy with them. PSI has promised to step up on the quality of the photo ids.

Brian Boeglin, who represents the Alarm Industry, asked if this current process is only for PI and if getting the photo id for ACE license is no longer an option.

PM Hage responds by saying that the current process is only focused on implementing SB 385. The other license types will still have to pay for the photo ids at the centers but they will now have the option to also get the new designed pocket card.

Phil Chachere, who represents Training Facilities, asked if the new pocket card expires and if they must renew it or can they order a duplicate.

PM Hage responds by saying that the plan is to issue a new pocket card with each initial and renewal and will also be able to request a duplicate.

Chief Andres opens the floor to the Public for questions

No questions

11. Discussion Regarding Potential Legislative Update to Use of Force and Potential Update of Powers to Arrest Training Manual.

At 11:38am the Chief introduces Assembly member Holden's Chief of Staff Willie Armstrong and Legislative Director Naima Ford. Chief Andres briefly explains that Assembly member Holden will be working together on updating the mandated training all security guards must go through before getting license and in the months after they are licensed. Assembly member Holden will be helping with legislation that would allow the bureau to update the Powers to Arrest training manual.

Chief of Staff Willie Armstrong joins the meeting to discuss Assembly member Holden's interest on updating the Powers to Arrest training manual to include more training on the Use of Force. After reading several articles, it was found that there was a lack of Use of Force standard relating to private security. The legislature will be having conversation about police reform and would like to take this opportunity to also tighten up the standards on Use of Force related to private security.

DC Stodolski ask if any committee members have any questions for Chief of Staff Willie Armstrong.

Phil Chachere, who represents Training Facilities, ask when will this legislative update take place.

Chief of Staff Armstrong explains that they are currently in the process of drafting language and researching code sections relating to private security. They are trying to figure out a low-cost effective way to mirror some training a Peace Officer receives as it relates to use of force. They are looking to introduce this around December to introduce the legislation.

Chief Andres opens the floor to public comment

Shane Clary from the California Alarm Association ask if this revision will only affect private patrol operators or across the board for alarm agents as well.

Chief Andres responds by saying that this is only for security guards.

Conrad Levoit is commenting on the firearm initial and renewal online submission process. He gave a brief explanation about the submission of the required forms and asked if the required forms are to be submitted as individual attachments or submitted all together with all documents scanned as 1 file. Conrad also wanted to give everyone a thumbs up for the way everyone has helped Veterans.

Licensing Manager Jasmine responds by telling Conrad that for initial firearm applications, you can just submit the 1 document but if there are any additional documents that were forgotten, there is another transaction called 8025 and it is to submit additional documents. As for the firearm renewal, you can either put all required documents onto 1 PDF file or use the same 8025 transaction to submit any additional documents.

Frank Hunington, who represents the Private Investigators, asked if the legislation for the use of force could impact the private investigators when it comes to the required training when using a firearm.

Chief Andres responds by saying that this new use of force training could impact anyone that is required to complete the powers to arrest training.

12. Public Comments on Items Not on the Agenda or any Agenda Items that were Skipped.

At 11:58am the Chief opened the floor to the public for comments

Shane Clary, representing an Alarm Company, asked about the processing time for a Private Patrol Operator license.

Chief Andres responds by saying that it is difficult to pin down a timeline because it has a very high deficiency rate. The application can never be fully submitted from the beginning and would require a lot of back and forth between the bureau and the applicant. Even though the Regs and target timeline says 125 days, it almost always goes over.

Shane Clary, representing California Alarm Association, ask if the update to the powers to arrest training will expand to the ACE license because they do alarm response?

Chief Andres responds by saying that it is unsure how Assembly member Holden's office will handle this, and they are the ones driving this train. It is possible that it could be integrated within the manual since the last time the manual was updated was 5 years ago and an update is due.

Shane Clary then ask if there will be a change in the Alarm Act due to AB 2471.

PM Hage responds by saying that he will have to discuss this internally and provide a response later.

Shane Clary also asked if the Bureau will be able to give an answer regarding AB5.

Chief Andres responds by saying that AB5 is a labor regulatory or legislative issue and is not within the bureau's practice act. It is not the bureau's role to provide legal advice on bills or legislation.

Michael Han, represents Universal Security and API Academy, ask if there is already a bill number on the Use of Force issue for him to look at.

Chief Andres responds by telling Michael that there is currently no Bill number yet and that it is still in the initial discussion phase.

Michael Han then ask if it the bureau stopped issuing assessment letters to applicants who have been made eligible to take the assessment exam.

Licensing Manager Argo responds by saying that the bureau does still issue assessment eligibility letters once the firearm permit application has been processed and clear of all requirements.

Michael Han also ask if the bureau knows why there's additional delays when an applicant completes a Live Scan for Security Guard and Firearm together instead of separate Live Scans?

DC Stodolski responds by saying that the reason there's Live Scan for Security Guard with Firearm is because that is requesting 2 separate clearances but has not seen any additional delays.

License Manager Argo also includes explains that Dept of Justice will not release the Guard responses until the Firearm response is also complete and that this is a DOJ process. The bureau does not have any control over their process.

Conrad Levoit made a comment about his students having issues scheduling for their assessment exam on the PSI website. He stated that his students will enter their guard card number both with the G and without the G but still shows no record of eligibility. He will instruct his students to scan the letter and to email BSIS for further assistance. His other question is regarding the Baton Rosters and if the rosters can only be submitted by mail or if there is a way to scan the roster and email to a designated email.

License Manager Argo responds by telling Conrad that there is a dedicated email for the baton rosters and provide the email address as Batonpermits@dca.ca.gov

13. Committee Members' Recommendations for Future Advisory Committee Meeting Agenda Items

At 12:23pm the Chief Andres updates the Committee members on Future Advisory Committee Meeting dates and ask if any members have recommendations for future Advisory Committee Meeting agenda items.

Anton Farmby recommends speaking on AB1512 which is specific to security guards regarding rest periods.

Chief Andres responds by saying that she understands Anton's concern on AB 1512 but this Bill falls under the labor issue and is not sure if this is something the bureau can weigh in on. But she will check with the bureau's legal counsel and provide and update on the next meeting.

Phil Chachere recommends discussion on the firearm training exam. If it will be possible to change the exam a bit since people are memorizing the answers and selling the answers to others. Phil also recommends discussion on the baton training and if actual physical baton training is required.

Nancy Murrish recommends an update on Assembly Member Holden's Bill.

Frank Huntington recommends another update on the PI pocket cards and also on PI records retention.

14. Adjournment

At 12:29pm the Chief adjourned the meeting