



Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes
For February 26, 2021 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

Darren Morgan
Nancy Murrish
Stanton Perez
Eli Owen

Members Absent

Anton Farmby (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 10:00am.

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

At 10:01am, Director Kimberly Kirchmeyer swears in Darren Morgan.

3. Roll Call

The Bureau's Policy Analyst, Steven Mao, called roll at 10:04am. Quorum was then subsequently established with Ten Members present.

4. Review and Approval of Minutes from October 8, 2020 Meeting

At 10:05am, Motion to approve minutes from October 8, 2020 meeting was motioned by Mark Miller and 2nd by Eli Owen.

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

Chief Andres provides a summary of Bureau updates at 10:07 am.

The Bureau has been opened since early of the month for about 3 weeks now. The closure was in accordance to Sacramento County closure orders. The bureau has been closed and opened several times since the pandemic started but is currently open.

Chief Andres addresses a rumor that has been going around that the bureau has been shutdown completely with only 1 staff processing applications. She would like to inform the public that the rumor is not true. Staff members have been teleworking and working in the office while adhering to social guidelines.

Chief Andres now shares her computer screen to the public to show BSIS' new website. There are new features to help customers such as tutorials on how to apply and drop-down menus to email specific company license type staff. Another thing that the bureau started doing is sending out emails to subscribers about licenses that the bureau has revoked or suspended. This email is sent out weekly but only to those who have subscribed to our email list.

The last update the Chief would like to provide is the bureau's budget regarding the assessment that started in 2018. Since then, there is a passage rate of 86 – 88% and a failure rate of 12 to 15%. The failure rate has generated a unprecedented number of appeals which is directing a lot of bureau resources, financial and otherwise, towards this efforts. Since this is putting the bureau in a budget crunch, the bureau is looking into different methods to deal with this. No course of action has been chosen yet but when a course of action has been planned, information will be provided.

Chief Andres opens the floor for any questions or comments from the committee members. There are no questions or comments from committee members.

Chief Andres opens the floor for any questions or comments from the public. There are no questions or comments from the public

6. Update on the Bureau's Licensing Unit

Chief Andres introduced Gloriela Garcia, Deputy Chief of the Bureau's Licensing Unit, at 10:20am to present information on the state of the Licensing Unit.

Licensing Deputy Chief (DC) Garcia provides updates on licensing stats.

BSIS is meeting the licensing processing turnaround time for this fiscal year 83% of the time. DC Garcia continues to encourage applicants and licensees to apply online for faster processing times. She recently looked at some analysis of paper applications and noticed that paper applications tend to have more deficiencies than online applications. This is mainly because the online process will not allow applicants or licensees to proceed without submitting the required information. DC Garcia encourages the use of the tutorials on the BSIS website for anyone wanting to submit a paper application but strongly advocates the use of online submission.

The bureau is also working on a couple of efficiencies for faster processing and more communication with applicants and licensees. The renewal coupons will be slowly phased out for employee license types. Currently there are 3 methods to renew a employee license which is mailing in a renewal application, mailing in the renewal coupon, and renewing online. With the removal of the renewal coupon, this will help the licensing unit process faster since there will be one less mail method to track. The eliminating of the renewal coupon will also provide some cost saving for the bureau. It is projected that by the summer, the renewal coupon process will be removed but the timeframe is not guaranteed.

The communication efficiency that the bureau is working on is sending email updates to the application status. All applicants are encouraged to include their email address on their applications to receive these emails.

The last update DC Garcia provides is on the firearm requalification waiver from last year. BSIS has been working with the Governor's office to waive one requalification but the waiver is not guaranteed.

Chief Andres added more information about the firearm waiver. She stated that there was only 1 waiver last year that has expired but the bureau is working with the Governor's office for another waiver.

Chief Andres now opens the floor to the public for any questions or comments.

Conrad Levoit asked if a current firearm permit holder misses any of their requalification and is now required to complete the initial application process over, if there will be an opportunity to submit the new application online.

Chief Andres responds by information Conrad to email the bureau so that a staff member can help the student make any changes needed for the student to be able to apply online. The Chief is aware of the situation but am unsure when a solution can be made since all of the other boards and bureau that uses the BreZze system share the same IT department.

Conrad has another question and he asked if there is a specific email where he can send his baton rosters.

Chief Andres responds by providing the email address to send baton rosters which is batonpermits@dca.ca.gov.

Hubbert has a question for DC Garcia and asked if it is correct that if someone fails the firearm assessment, they will have to start the entire process over since there is no “retest”?

DC Garcia responds saying yes that is correct

Hubbert follows up with another question asking when does the 1-year date start for an applicant to reapply?

Deputy Chief Sam Stodolski answers this question by stating that the 12 months starts on the date of the formal denial letter that the applicants will receive. If an applicant appeals the denial, the 12 months start date is further out since the denial has not be adjudicated yet.

Hubbert follows up by asking what if someone drops their appeal?

DC Stodolski then responds by saying if an applicant withdraws their appeal, the 12 months start date will be when the bureau receives the formal request to withdraw the appeal.

No further questions and the Q&A have been closed by the moderator.

7. Update on the Bureau’s Enforcement Unit

The Chief introduces Deputy Chief (DC) Sam Stodolski at 10:34am, who then proceeded to present the Enforcement update.

The pandemic has made the enforcement work tougher with all the shutdowns and stay in place orders. BSIS staff are still essential and required to work which meant the staff had to look into other options for inspections. Inspections were done virtually when a

physical inspection was not possible. Some were a hybrid where a staff went out for a physical inspection but followed up virtually. The enforcement unit still managed to complete over 100 inspections in this fiscal year. The unit has been actively pursuing unlicensed activity with 30% of citations to date are for unlicensed activity.

DC Stoldolski provides updates on the Special Investigator position. It was mentioned previously that the bureau was in the process of reclassing a position to Special Investigator which has been approved since then. Interviews have been conducted and is now in the process of review the applicants and calling for references. With this new Special Investigator position, this means the bureau will have someone out in the field more often conducting inspections with local law enforcement as well as other state agencies.

Lastly, DC Stoldolski wanted to provide more information on the auto-suspend email list that Chief Andres mentioned earlier. He highly recommends any Company License holder to subscribe to the email list. By doing so, the employer could receive information on their employee's license status if it was changed to Suspended or Revoked.

DC Stoldolski opens the floor to any committee members that has any questions for him

Frank Huntington would like some more information about the Special Investigator position and how it differs from current enforcement staff.

DC Stoldolski starts by explaining the current enforcement staff position title and duties. The Associate Governmental Programs Analyst can go out to the field and complete inspections but there are limitations. The Special Investigator is a different classification that can work after hours completing stings with local law enforcement. The Special Investigator will give the bureau a bit more reach with field investigations as well as help conducting criminal investigations.

Chief Andres now opens the floor to any public members for questions and comments. There are no public comments.

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

At 10:41am, Chief Andres provided an update on all bills that will impact the bureau.

1. Assembly Bill 54 (Kiley) – This bill prohibits DCA boards and bureaus from revoking a license for failure to comply with any COVID-19 emergency orders, unless the board can provide that lack of compliance resulted in the transmission of COVID-19.
2. Senate Bill 102 (Melendez) – This bill prohibits DCA boards and bureaus from revoking a license for failure to comply with any COVID-19 emergency orders, unless the board can provide that lack of compliance resulted in the transmission of COVID-19.

3. Assembly Bill 229 (Holden) – Effective January 1, 2023, this bill expands the Power to Arrest and Training in the carrying and usage of firearms to include “appropriate use of force” training and extends the courses by two hours. The Bureau will work with POST to develop the course outline. This bill makes “Weapons of Mass Destruction and Terrorism Awareness” an elective course only. Additionally, the bill clarifies that an armed security guard must be an employee of a private patrol operator.

Chief Andres opens the floor up to the committee members for questions.

Frank Huntington asked if the new training will be enforced or implemented in the firearm requalification training or the initial security guard training.

Chief Andres responds to Franks question by stating that the new training will be implemented in both the firearms and security guard training.

DC Stoldolski confirms by restating that the new training will be implemented in the initial security guard power to arrest training as well as the firearms initial training.

Darren Morgan asked if AB 229 will prevent hospitals without a private patrol operator (PPO) license from hiring their own armed guards.

DC Stoldolski responds by stating that current law allows a security guard to work for a lawful business but a armed guard has to work for a PPO or a government entity because of the badge and patch requirements on the uniform. This bill will just be further clarifying what is already in the law.

Stanton Perez would like to know if there will be any kind of state funding to help with the cost to security companies for the new mandatory training.

Chief Andres responds by explaining that the regulations that will be drafted will include a break down and address issues such as this but ultimately, there shouldn't be too much of a change from the current training. The regulations break down which subjects are to be taught in the training, but this new regulation will just be replacing certain subjects with the new training material. The bureau has no control over how the Training Facilities will conduct the actual training or the cost for the training.

Stanton Perez proceeds with his second question about section 11 in the legislative bill specifically Business and Professions Code (BPC) Section 7583.7. Item 10b refers to duty to intercede but in current training, it states to observe and report. Mr. Perez would like to know what duty to intercede means because security companies expects their guards to observe and report instead of physical intercede.

Chief Andres explains that this language is not the bureaus but the assembly member Holden's language. The Chief will not be able to answer specific question on the language but can pass the question along to assembly member Holden's office.

DC Stoldolski suggests that the language in the bill may not necessarily mean for the security guards to intercede but is included as a topic that needs to be addressed in the security training.

Stanton Perez follows up by stating that companies are worried about the phrase “Duty to Intercede” written as the way it currently is because someone may use it to file a lawsuit against a security company. Mr. Perez is asking if consideration can be given to clarify what that “Duty to Intercede” will require. Mr. Perez also asked about item c, “The use of objectively reasonable force” and what does the term “objectively” means.

Chief Andres responds by saying that her understand with speaking to the legislator’s staff that the language was taken from a POST training manual. The chief did make it clear that not everything from the POST training manual will be appropriate in a private security setting.

Darren Morgan asked about section 7583.3 (d) reading “carry or use of firearm or baton as authorized by this chapter unless the security guard is an employee of a private patrol operator licensee”. Mr. Morgan would like to know how this will affect hospitals and higher learning facilities who are currently employing security guards carrying batons without going through a private patrol operator.

Chief Andres responds to Mr. Morgan’s question by explaining that from the bureau’s point of view and what is most important are the bureau’s code sections. The bureau can only enforce and go after people who are licensed with the bureau. The bureau wants security guards to be employed by private patrol operators because the PPO’s are required to complete the proper training and also required to have insurance. This way if an incident does happen, the PPO and the security guard can be held accountable. The bureau does not have jurisdiction over hospitals or higher education facilities.

No further questions from Committee Members. The floor is now open to the public for comments

David Chandler made a comment about the bill and the suggestion of changing the initial guard training from 8 hours to 10 hours. He stated that he is working with assembly member Holden’s staff to try and keep the initial training at 8 hours so that there won’t be a financial burden on the employer from having to pay 2 hours of overtime to the employees.

Steve Baker wanted to provide a case reference for those looking for the definition of objectively reasonable. The case is *Graham v Connor* U.S. Supreme Court 1980.

No further comments from the public

9. Update on Enacted or Pending Regulations

At 11:13am, Chief Andres updates the Committee on the enacted or pending regulations.

1. Substantial Relationship Criteria, Criteria for Evaluating Rehabilitation (AB2138) – Sections 602 and 602.1 of Division 7 of Title 16 of the California Code of Regulations. This bill was signed into law on September 2018. The goal of this bill is to get as many people into the workforce regardless of whether or not their background is less than perfect. The bureau is working on their regulations package and is currently at the office of administrative law for review.

2. Badge and Patch Criteria – New Sections to be added to Division 7 of Title 16 of the California Code of Regulations. The bureau is still working on this internally with the bureau's legal counsel.
3. Section 100 (Clean Up) is chugging along.
4. Private Investigator Fee Increase (SB 385) – Section 639 of Division 7 of Title 16 of the California Code of Regulations. This is also chugging along but no further information at this point.

Chief Andres opens the floor for questions from Committee Members.

Mark Miller asked if the Chief can share any information on the Badge and Patch and on the Section 100 clean up.

Chief Andres responds by letting Mr. Miller know that the badge and patch process is still internal and cannot share any language at this moment until it goes out for public comment.

Mark Miller follows up by asking if there is a timeline of how long it will take for public comment.

Chief Andres stats that there is no set timeline for this since this is not a legislative process with deadlines.

No more comments from Committee Members. Chief Andres now opens the floor for public comments.

There are no public comments.

10. Update Regarding Private Investigator Pocket Cards

At 11:17am, Chief Andres updated the Committee on current process of the new Private Investigator Pocket Cards. The bill passed about a year and a half ago, SB 385 by Senator Jones, that mandates the bureau to issue a high-quality photo ID card for the private investigators. The bureau will be using the current vendor PSI to issue the cards. Currently, the bureau's I.T. department and PSI's I.T. department is working on putting the last piece in place. This task is the part of the system where the bureau's information goes over to PSI so they can print the cards and then PSI sends the data back to the bureau so that the bureau knows who was issued a card.

Chief Andres opens the floor for questions from the Committee Members.

Frank Huntington asked if they will get to preview the new cards.

Chief Andres responds by letting Mr. Huntington know that the bureau currently does not have a prototype to share but will find out when a sample will be made available.

No further questions from Committee Members. Chief Andres now opens the floor to public comment.

No comments from the public and public comment is now closed

11. Update Regarding Firearm Training Exam

At 11:21am, Chief Andres updated the committee on the Firearm Training Exam. The bureau found out several months ago that the Firearm Training Exam answer key was posted online. As a result of this, the bureau reconfigured the test and included multiple versions of the test.

Chief Andres opens the floor for comments from the Committee Members.

There are no comments from the Committee Members. The floor is now open for public comments.

Conrad Levoit commented that he enjoys the new with the different versions. He also wanted to let the bureau know that he is including the exam version on the applications even though he is not sure if doing so is necessary.

No further comments from the public.

12. Public Comments on Items Not on the Agenda or any Agenda.

At 11:25am the Chief opened the floor to the public for comments

Conrad Levoit shares an incident that he encountered with security guards at a hotel that he was staying at. He stated that a security guard approached him and asked to search his belongings. The guard asked Mr. Levoit to open his file box which Mr. Levoit denied the request to open the box himself but gave the guard the consent to open the box if they choose to do so. The security guard was not happy about that Mr. Levoit did not want to physically open the box for the guard and the guard called for backup. At this point, three other security guards arrived. After some conversation, Mr. Levoit did open the box for the guards, but the initial security guard was upset that Mr. Levoit did not do so when he was initial asked. Mr. Levoit would like to know if there are any stipulations that says a person on a property must comply to open any belongings at the request of security on private property if it does not clearly state this on the properties policy or contract.

DC Stoldolski responds by letting Mr. Levoit know that the bureau will most likely need more information about the situation. He informed Mr. Levoit that if he felt like the security guard did anything that he shouldn't have, he can file a complaint with the bureau and a enforcement staff will reach out and look into the matter.

There are no more public comments

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

At 11:30am the Chief Andres asked if any members have recommendations for future Advisory Committee Meeting agenda items.

Frank Huntington suggests discussion on License Search website. Mr. Huntington feels that the website's search functions are not working properly and is asking if the bureau can have the I.T. Department look at the issue.

DC Garcia asked Mr. Huntington if he can send his inquiries to her so that she can look over the issues with her team members and try to find a solution with the I.T. Department.

No further recommendations from the Committee Members.

14. Adjournment

At 11:33am, the Chief adjourned the meeting