

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

SUNSET REVIEW REPORT 2023

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT AND THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS



BUREAU OF SECURITY AND INVESTIGATIVE SERVICES BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

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Background and Description of the Board and Regulated Profession

The private security industry in this country dates back to the 19th century, with private citizens previously performing many duties that today are associated with federal and state law enforcement. The growth in the number of individuals and breadth of activities performed (guarding railroad shipments, detective work to investigate crimes, tracking down and apprehending criminals, and providing security advice to banks) was integral in determining that regulation of the industry was necessary.

In California, regulatory oversight of the private security industry began in 1915 with the creation of the Detective Licensing Board under the State Board of Prison Directors, to license and regulate private detectives. The Detective Licensing Board was subsequently renamed the Detective Licensing Bureau, and today its statutes are known as the Private Investigator Act. In 1955, the Detective Licensing Bureau became the Bureau of Private Investigators and Adjustors, which in 1970 was combined with the Collection Agency Licensing Bureau and renamed the Bureau of Collection and Investigative Services. As a result of legislation (Assembly Bill (AB) 936, Chapter 1263, Statutes of 1993), the Bureau was formally renamed the Bureau of Security and Investigative Services (Bureau or BSIS).

The Bureau issues licenses, registrations, certificates, and permits; however, for the purpose of this report, the terms “license” and “licensee” will be used. There are currently over 433,000 Bureau licenses held by about 350,000 businesses and individuals carrying out activities relating to alarm systems, locks, private investigation, private security, repossession, and firearm and baton training.

The Bureau regulates a total of six practice acts, including:

Alarm Company Act

An alarm company operator is a business that sells (at the buyer’s home or business), installs, maintains, monitors, services, or responds to alarm systems. An alarm agent is an employee of the alarm company. Each alarm company licensee must designate a person, who is associated with the license in the Bureau’s records, to serve as the qualified manager. The qualified manager is responsible for managing and directing the day-to-day activities of the licensed business, and may be the licensee, an agent of the licensee (e.g., officer of a corporation, or officer or member of a limited liability company), or any other person designated by the licensee to serve in this capacity. The person serving as the qualified manager must meet the experience requirements specified in the Alarm Company Act and pass the alarm company licensing examination. The alarm company operator licensing examination is developed by the Bureau in cooperation with DCA’s Office of Professional Examination Services (OPES) and subject matter experts. The examinations are administered by DCA’s contracted vendor, Psychological Services Incorporated (PSI).

As specified in the Alarm Company Act, an alarm company must hold an alarm company operator license, an alarm company qualified manager must hold a qualified manager certificate, and an alarm agent must hold an alarm employee registration, issued by the Bureau, to operate. Additionally, the Alarm Company Act authorizes alarm company licensees, qualified managers,

and agents to obtain a Bureau-issued firearm permit under specified conditions. A business that sells alarms only and does not provide any installation, maintenance, or monitoring services does not need to hold an alarm company operator license under specified conditions.

Locksmith Act

Pursuant to the Locksmith Act, a locksmith operates a business that installs, repairs, opens, or modifies locks, as well as originates keys for locks. Locksmiths must hold a locksmith license and employees of locksmiths who perform locksmithing duties must hold a locksmith registration, issued by the Bureau. Persons who only make duplicate keys from an existing key are exempt from regulation by the Bureau.

Private Investigator Act

A private investigator is an individual who investigates crimes; the identity, business, occupation, or character of a person; the location of lost or stolen property; or the cause of fires, losses, accidents, damage, or injury. In addition, a private investigator secures evidence for use in court. Private investigators may protect persons only if such services are incidental to an investigation. Private investigators may not protect property.

As specified in the Private Investigator Act, individuals performing private investigation activities must hold a private investigator license issued by the Bureau. Each private investigator licensee must designate a person, who is associated with the license in the Bureau's records, to serve as the qualified manager. The qualified manager is responsible for managing and directing the day-to-day activities of the licensed business, and may be the licensee, an agent of the licensee (e.g., officer of a corporation, or officer or member of a limited liability company), or any other person designated by the licensee to serve in this capacity. The person serving as the qualified manager must meet the experience requirements specified in the Private Investigator Act and pass the private investigator licensing examination. The private investigator licensing examination is developed by the Bureau in cooperation with DCA's OPES and subject matter experts. The examinations are administered by DCA's contracted vendor, PSI.

Unlike the Alarm Company Act and the Collateral Recovery Act, the Private Investigator Act does not provide for a separate license or certificate for the qualified manager. The qualified manager is merely a qualifier for issuance and maintenance of the private investigator license. Employees of private investigators are not regulated and, accordingly, are not required to register with the Bureau. The Private Investigator Act authorizes the Private Investigator licensee and the licensee's qualified manager to obtain a Bureau-issued firearm permit under specified conditions.

Private Security Services Act

The Private Security Services Act regulates private patrol operators and security guards. A private patrol operator is a company that employs security guards and contracts with other persons or businesses to protect persons or property, or to prevent theft. A security guard is not authorized to contract themselves out for private security services unless they also hold a private patrol operator license. Private patrol operators are prohibited from performing any investigation except as incidental to the theft or loss of property for a company it has contracted with to provide private security services.

Each private patrol operator licensee must designate a person, who is associated with the license in the Bureau's records, to serve as the qualified manager. The qualified manager is responsible for managing and directing the day-to-day activities of the licensed business, and may be the licensee, an agent of the licensee (e.g., officer of a corporation), or any other person designated

by the licensee to serve in this capacity. The person serving as the qualified manager must meet the experience requirements specified in the Private Security Services Act and pass the private patrol operator licensing examination. The private patrol operator licensing examination is developed by the Bureau in cooperation with DCA's OPES and subject matter experts. The examinations are administered by DCA's contracted vendor, PSI. At this time, the Private Security Services Act also does not provide for a separate license or certificate for the qualified manager; however, with the passage of [AB 1244](#) (Holden, Chapter 571, Statutes of 2023), the private patrol operator qualified manager will be a separate license type as of January 1, 2025. Until AB 1244 becomes effective, the qualified manager is merely a qualifier for issuance and maintenance of the private patrol operator license.

The Private Security Services Act also authorizes the private patrol operator licensee, the licensee's qualified manager, and security guard registrants to obtain a Bureau-issued firearm permit under specified conditions and authorizes security guards to obtain a Bureau-issued baton permit under specified conditions. The Private Security Services Act also regulates firearm and baton training facilities and instructors who provide the specified training for applicable Bureau licensees, registrants, and certificate holders to qualify for a Bureau firearms or baton permit. The specific license types are the Bureau firearm training facility certificate, firearm instructor certificate, baton training facility certificate, and baton instructor certificate.

Proprietary Security Services Act

The Proprietary Security Services Act regulates proprietary private security employers and proprietary private security officers. A proprietary private security employer is a person or company that employs one or more proprietary private security officers. Proprietary private security officers wear a distinctive uniform identifying them as a security officer and interact with the public when providing security services. A proprietary private security employer cannot contract out the services of its proprietary private security officers to any other person or entity; the proprietary private security officers may only provide security services to their employing proprietary private security employer. An example of a proprietary private security employer is a large corporation that employs its own security personnel. Proprietary private security officers are not authorized to carry a firearm nor any other weapon, including chemical weaponry or stun guns.

Collateral Recovery Act

A repossession agency contracts with a legal owner (e.g., credit grantor of personal property) to locate and/or recover property sold under a security agreement. The most common property recovered is a motor vehicle. Each repossession agency licensee must designate a person, who is associated with the license in the Bureau's records, to serve as the qualified manager. The qualified manager is responsible for managing and directing the day-to-day activities of the licensed business, and may be the licensee, an agent of the licensee (e.g., officer of a corporation), or any other person designated by the licensee to serve in this capacity. The person serving as the qualified manager must meet the experience requirements specified in the Collateral Recovery Act and pass the repossession agency licensing examination. The repossession agency licensing examination is developed by the Bureau in cooperation with DCA's OPES and subject matter experts. The examinations are administered by DCA's contracted vendor, PSI. A repossession agent is the employee of the repossession agency whose duties entail locating and recovering the property.

The Collateral Recovery Act specifies that a repossession agency must hold a repossession agency license, persons serving as the qualified manager must hold a qualified manager

certificate, and employees of a repossession company who locate and repossess property must hold a repossession agent registration, issued by the Bureau.

Bureau's Advisory Committee and Disciplinary Review Committees

The Bureau of Security and Investigative Services Advisory Committee is comprised of 13 members, seven industry members and six public members. Members provide insight and perspective to the Bureau on policy issues relating to the industries regulated by the Bureau. The following charts identify committee members and their attendance.

Table 1a. Advisory Committee Member Attendance			
Frank Huntington III			
Date Appointed: July 31, 2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	01/11/2018	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	04/12/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/11/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	02/14/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/10/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	02/13/2020	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	Yes
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	Yes
Mark Miller			
Date Appointed: April 7, 2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	Yes
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes

Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	Yes
Chris Sayers			
Date Appointed: September 1, 2019			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	02/13/2020	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	Yes
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	No
Advisory Committee Meeting	04/20/2023	WebEx	Yes

Glenn Younger			
Date Appointed: April 7, 2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	Yes
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	Yes

Leon Scroggins			
Date Appointed: August 19, 2021			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	Yes

Anton Farmby			
Date Appointed: February 8, 2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	01/11/2018	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	04/12/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/11/2018	1747 North Market Boulevard HQ 2 Hearing Room #186	Yes

		Sacramento, CA, 95834	
Advisory Committee Meeting	02/14/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/10/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	No
Advisory Committee Meeting	02/13/2020	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	No
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	No
Eli Owen			
Date Appointed: April 30, 2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	01/11/2018	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	04/12/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/11/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	02/14/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/10/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	No
Advisory Committee Meeting	02/13/2020	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	No
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	No
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	No
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	No
Darren Morgan			
Date Appointed: September 29, 2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	10/08/2020	WebEx	No

Advisory Committee Meeting	02/26/2021	WebEx	Yes
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	Yes
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	No
Advisory Committee Meeting	04/20/2023	WebEx	No

Stanton Perez

Date Appointed: **December 16, 2016**

Meeting Type	Meeting Date	Meeting Location	Attended?
Advisory Committee Meeting	01/11/2018	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	04/12/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/11/2018	1747 North Market Boulevard HQ 2 Hearing Room #186 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	02/14/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	Yes
Advisory Committee Meeting	10/10/2019	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	No
Advisory Committee Meeting	02/13/2020	1625 North Market Boulevard Hearing Room 102 Sacramento, CA, 95834	No
Advisory Committee Meeting	10/08/2020	WebEx	Yes
Advisory Committee Meeting	02/26/2021	WebEx	Yes
Advisory Committee Meeting	07/22/2021	WebEx	Yes
Advisory Committee Meeting	10/21/2021	WebEx	No
Advisory Committee Meeting	02/17/2022	WebEx	Yes
Advisory Committee Meeting	08/18/2022	WebEx	Yes
Advisory Committee Meeting	11/10/2022	WebEx	Yes
Advisory Committee Meeting	04/20/2023	WebEx	No

Table 1b. Member Roster: Bureau Advisory Committee

Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Anton Farmby	02/08/17	02/08/21	02/07/25	DCA Director	Public
Frank Huntington III	07/31/17	07/01/21	06/30/25	DCA Director	Professional – Private Investigator
Mark Miller	04/07/20	04/01/22	04/01/24	DCA Director	Professional – Private Patrol Operator
Darren Morgan	09/29/20		09/28/24	DCA Director	Public
Eli Owen	04/30/17	07/01/21	06/30/23	DCA Director	Public
Stanton Perez	12/16/16	01/01/21	12/31/23	DCA Director	Public

Chris Sayers	09/01/19	09/01/21	08/31/25	DCA Director	Professional – Proprietary Security Employer
Leon Scroggins	08/19/21		08/18/25	DCA Director	Professional – Repossessor
Glenn Younger	04/07/20	04/01/22	04/01/24	DCA Director	Professional – Locksmith
Vacant				DCA Director	Professional – Alarm Company
Vacant				DCA Director	Professional – Training Facilities
Vacant				DCA Director	Public
Vacant				DCA Director	Public

The Bureau has five Disciplinary Review Committees (DRC). The Alarm Company Act, the Collateral Recovery Act, and the Private Investigator Act each establish one DRC, and the Private Security Services Act establishes two DRCs, one in Northern California and one in Southern California. DRCs provide applicants and licensees an alternate path to appeal BSIS's denials of a license application or the automatic suspensions of a license (for those license types BSIS has statutory authority to take such action), and BSIS's assessment of an administrative fine(s) for violations of the specified Acts.

Table 1a. Attendance: Southern California Private Security DRC			
Mary Beth Garber, Public Member			
Date Appointed: June 1, 2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Southern California Private Security Disciplinary Review Committee	07/17/2018	Riverside, CA	Yes
	08/14/2018	Riverside, CA	Yes
	09/17/2018	Riverside, CA	Yes
	10/24-25/2018	Riverside, CA	Yes
	12/4/2018	Riverside, CA	Yes
	01/23/2019	Riverside, CA	Yes
	02/13/2019	Riverside, CA	Yes
	03/25/2019	Riverside, CA	No
	04/30/2019	Riverside, CA	Yes
	05/14/2019	Riverside, CA	Yes
	07/22/2019	Riverside, CA	Yes
	07/23/2019	Riverside, CA	Yes
	08/13/2019	Riverside, CA	Yes
	10/15/2019	Riverside, CA	Yes
	11/19/2019	Riverside, CA	Yes
	12/17/2019	Riverside, CA	Yes
	02/25/2020	Riverside, CA	Yes
	07/06/2020	Teleconference	Yes
	07/07/2020	Teleconference	Yes
	08/18/2020	Teleconference	Yes
	09/29/2020	Teleconference	Yes
	10/19/2020	Teleconference	Yes
	11/10/2020	Teleconference	Yes
	01/12/2021	Teleconference	Yes

	02/09/2021	Teleconference	Yes
	03/16/2021	Teleconference	No
	04/12/2021	Teleconference	Yes
	05/04/2021	Teleconference	Yes
	06/02/2021	Teleconference	Yes
	07/20/2021	Teleconference	Yes
	08/10/2021	Teleconference	Yes
	09/14/2021	Teleconference	Yes
	10/12/2021	Teleconference	Yes
	12/14/2021	Teleconference	Yes
	01/24/2022	Teleconference	Yes
	02/08/2022	Teleconference	Yes
	03/08/2022	Teleconference	Yes
	04/05/2022	Riverside, CA	Yes
	05/10/2022	Riverside, CA	Yes
	06/28/2022	Riverside, CA	Yes
	07/12/2022	Riverside, CA	Yes
	07/13/2022	Riverside, CA	Yes
	08/02/2022	Riverside, CA	Yes
	09/13/2022	Riverside, CA	Yes
	10/05/2022	Riverside, CA	Yes
	12/06/2022	Riverside, CA	Yes
	01/17/2023	Riverside, CA	Yes
	01/18/2023	Riverside, CA	Yes
	02/17/2023	Riverside, CA	No
	03/09/2023	Riverside, CA	Yes
	04/24/2023	Riverside, CA	Yes
	05/22/2023	Riverside, CA	Yes
	06/23/2023	Riverside, CA	Yes
Joey Hunter, Industry Member			
Date Appointed: December 22, 2021			
Meeting Type	Meeting Date	Meeting Location	Attended?
Southern California Private Security Disciplinary Review Committee	01/24/2022	Teleconference	No
	02/08/2022	Teleconference	Yes
	03/08/2022	Teleconference	Yes
	04/05/2022	Riverside, CA	Yes
	05/10/2022	Riverside, CA	Yes
	06/28/2022	Riverside, CA	Yes
	07/12/2022	Riverside, CA	Yes
	07/13/2022	Riverside, CA	Yes
	08/02/2022	Riverside, CA	No
	09/13/2022	Riverside, CA	Yes
	10/05/2022	Riverside, CA	Yes
	12/06/2022	Riverside, CA	Yes

	01/17/2023	Riverside, CA	Yes
	01/18/2023	Riverside, CA	Yes
	02/17/2023	Riverside, CA	Yes
	03/09/2023	Riverside, CA	Yes
	04/24/2023	Riverside, CA	Yes
	05/22/2023	Riverside, CA	Yes
	06/23/2023	Riverside, CA	Yes
Donald Kuehner, Industry Member			
Date Appointed: June 28, 2023			
Meeting Type	Meeting Date	Meeting Location	Attended?
Southern California Private Security Disciplinary Review Committee	06/23/2023	Riverside, CA	No
Tiffany Sagbohan, Public Member			
Date Appointed: March 18, 2022			
Meeting Type	Meeting Date	Meeting Location	Attended?
Southern California Private Security Disciplinary Review Committee	04/05/2022	Riverside, CA	No
	05/10/2022	Riverside, CA	Yes
	06/28/2022	Riverside, CA	Yes
	07/12/2022	Riverside, CA	Yes
	07/13/2022	Riverside, CA	Yes
	08/02/2022	Riverside, CA	Yes
	09/13/2022	Riverside, CA	Yes
	10/05/2022	Riverside, CA	Yes
	12/06/2022	Riverside, CA	Yes
	01/17/2023	Riverside, CA	Yes
	01/18/2023	Riverside, CA	Yes
	02/17/2023	Riverside, CA	Yes
	03/09/2023	Riverside, CA	Yes
	04/24/2023	Riverside, CA	Yes
	05/22/2023	Riverside, CA	Yes
	06/23/2023	Riverside, CA	Yes
Table 1a. Attendance: Northern California Private Security DRC			
Collin Wong, Industry Member			
Date Appointed: June 21, 2013			
Meeting Type	Meeting Date	Meeting Location	Attended?
Northern California Private Security Disciplinary Review Committee	07/18/2018	Sacramento, CA	Yes
	08/28/2018	Oakland, CA	Yes
	10/09/2018	Sacramento, CA	Yes
	11/28/2018	Oakland, CA	Yes
	01/09/2019	Sacramento, CA	Yes
	02/27/2019	Oakland, CA	No
	04/16/2019	Sacramento, CA	Yes
	06/06/2019	Oakland, CA	Yes
	08/01/2019	Sacramento, CA	Yes

10/10/2019	Sacramento, CA	Yes
12/12/2019	Sacramento, CA	Yes
02/19/2020	Oakland, CA	Yes
03/12/2020	Sacramento, CA	Yes
07/23/2020	Teleconference	Yes
07/24/2020	Teleconference	Yes
09/02/2020	Teleconference	Yes
12/10/2020	Teleconference	Yes
02/24/2021	Teleconference	Yes
05/21/2021	Teleconference	No
07/30/2021	Teleconference	No
08/12/2021	Teleconference	Yes
10/15/2021	Teleconference	Yes
12/02/2021	Teleconference	No
01/12/2022	Teleconference	Yes
03/14/2022	Teleconference	Yes
05/02/2022	Sacramento, CA	Yes
05/03/2022	Sacramento, CA	Yes
08/04/2022	Sacramento, CA	Yes
08/05/2022	Sacramento, CA	Yes
09/07/2022	Sacramento, CA	Yes
10/12/2022	Sacramento, CA	Yes
12/08/2022	Sacramento, CA	Yes
01/25/2023	Sacramento, CA	Yes
02/23/2023	Sacramento, CA	Yes
04/12/2023	Sacramento, CA	Yes
05/10/2023	Sacramento, CA	Yes

Susan Johnson, Industry Member

Date Appointed: **October 28, 2014**

Meeting Type	Meeting Date	Meeting Location	Attended?
Northern California Private Security Disciplinary Review Committee	07/18/2018	Sacramento, CA	Yes
	08/28/2018	Oakland, CA	Yes
	10/09/2018	Sacramento, CA	Yes
	11/28/2018	Oakland, CA	Yes
	01/09/2019	Sacramento, CA	Yes
	02/27/2019	Oakland, CA	Yes
	04/16/2019	Sacramento, CA	Yes
	06/06/2019	Oakland, CA	Yes
	08/01/2019	Sacramento, CA	Yes
	10/10/2019	Sacramento, CA	Yes
	12/12/2019	Sacramento, CA	Yes
	02/19/2020	Oakland, CA	No
	03/12/2020	Sacramento, CA	Yes
	07/23/2020	Teleconference	Yes
	07/24/2020	Teleconference	Yes

09/02/2020	Teleconference	Yes
12/10/2020	Teleconference	Yes
02/24/2021	Teleconference	Yes
05/21/2021	Teleconference	Yes
07/30/2021	Teleconference	Yes
08/12/2021	Teleconference	Yes
10/15/2021	Teleconference	Yes
12/02/2021	Teleconference	Yes
01/12/2022	Teleconference	Yes
03/14/2022	Teleconference	Yes
05/02/2022	Sacramento, CA	Yes
05/03/2022	Sacramento, CA	No
08/04/2022	Sacramento, CA	No
08/05/2022	Sacramento, CA	No
09/07/2022	Sacramento, CA	No
10/12/2022	Sacramento, CA	Yes
12/08/2022	Sacramento, CA	Yes
01/25/2023	Sacramento, CA	Yes
02/23/2023	Sacramento, CA	Yes
04/12/2023	Sacramento, CA	Yes

Lawrence Garcia, Industry Member

Date Appointed: June 1, 2018

Meeting Type	Meeting Date	Meeting Location	Attended?
Northern California Private Security Disciplinary Review Committee	07/18/2018	Sacramento, CA	Yes
	08/28/2018	Oakland, CA	Yes
	10/09/2018	Sacramento, CA	Yes
	11/28/2018	Oakland, CA	Yes
	01/09/2019	Sacramento, CA	Yes
	02/27/2019	Oakland, CA	No
	04/16/2019	Sacramento, CA	No
	06/06/2019	Oakland, CA	Yes
	08/01/2019	Sacramento, CA	No
	10/10/2019	Sacramento, CA	No
	12/12/2019	Sacramento, CA	Yes
	02/19/2020	Oakland, CA	No
	03/12/2020	Sacramento, CA	No
	07/23/2020	Teleconference	Yes
	07/24/2020	Teleconference	Yes
	09/02/2020	Teleconference	Yes
	12/10/2020	Teleconference	No
	02/24/2021	Teleconference	Yes
	05/21/2021	Teleconference	No
	07/30/2021	Teleconference	No
	08/12/2021	Teleconference	Yes
	10/15/2021	Teleconference	Yes

	12/02/2021	Teleconference	Yes
	01/12/2022	Teleconference	Yes
	03/14/2022	Teleconference	Yes
	05/02/2022	Sacramento, CA	Yes
	05/03/2022	Sacramento, CA	Yes
	08/04/2022	Sacramento, CA	Yes
	08/05/2022	Sacramento, CA	Yes
	09/07/2022	Sacramento, CA	Yes
	10/12/2022	Sacramento, CA	Yes
	12/08/2022	Sacramento, CA	Yes
	01/25/2023	Sacramento, CA	Yes
	02/23/2023	Sacramento, CA	Yes
	04/12/2023	Sacramento, CA	Yes
	Table 1a. Attendance: Alarm Company Operator DRC		
Randy Kajioka, Public Member			
Date Appointed: January 10, 2003			
Meeting Type	Meeting Date	Meeting Location	Attended?
Alarm Company Operator Disciplinary Review Committee	08/29/2018	Riverside, CA	Yes
	12/14/2018	Riverside, CA	Yes
	02/25/2019	Sacramento, CA	Yes
	05/21/2019	Riverside, CA	Yes
	06/13/2019	Sacramento, CA	No
	08/28/2019	Sacramento, CA	Yes
	02/27/2020	Sacramento, CA	Yes
	03/05/2020	Riverside, CA	No
	10/09/2020	Teleconference	Yes
	01/26/2021	Teleconference	Yes
	05/07/2021	Teleconference	Yes
	08/06/2021	Teleconference	Yes
	10/25/2021	Teleconference	No
	02/17/2022	Teleconference	Yes
	05/09/2022	Riverside	Yes
	05/24/2022	Sacramento	Yes
	08/16/2022	Riverside	Yes
	12/12/2022	Riverside	Yes
	01/12/2023	Sacramento	Yes
	04/11/2023	Riverside	Yes
	06/13/2023	Sacramento	Yes
Matthew Westphal, Industry Member			
Date Appointed: December 28, 2011			
Meeting Type	Meeting Date	Meeting Location	Attended?
	08/29/2018	Riverside, CA	No
	12/14/2018	Riverside, CA	Yes
	02/25/2019	Sacramento, CA	Yes

Alarm Company Operator Disciplinary Review Committee	05/21/2019	Riverside, CA	No
	06/13/2019	Sacramento, CA	Yes
	08/28/2019	Sacramento, CA	No
	02/27/2020	Sacramento, CA	Yes
	03/05/2020	Riverside, CA	Yes
	10/09/2020	Teleconference	Yes
	01/26/2021	Teleconference	Yes
	05/07/2021	Teleconference	Yes
	08/06/2021	Teleconference	No
	10/25/2021	Teleconference	Yes
	02/17/2022	Teleconference	Yes
	05/09/2022	Riverside	Yes
	05/24/2022	Sacramento	Yes
	08/16/2022	Riverside	No
	12/12/2022	Riverside	No
	01/12/2023	Sacramento	No
	04/11/2023	Riverside	Yes
	06/13/2023	Sacramento	Yes
Lawrence Garcia, Industry Member			
Date Appointed: January 24, 2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Alarm Company Operator Disciplinary Review Committee	08/29/2018	Riverside, CA	Yes
	12/14/2018	Riverside, CA	Yes
	02/25/2019	Sacramento, CA	Yes
	05/21/2019	Riverside, CA	Yes
	06/13/2019	Sacramento, CA	Yes
	08/28/2019	Sacramento, CA	Yes
	02/27/2020	Sacramento, CA	No
	03/05/2020	Riverside, CA	Yes
	10/09/2020	Teleconference	Yes
	01/26/2021	Teleconference	Yes
	05/07/2021	Teleconference	No
	08/06/2021	Teleconference	Yes
	10/25/2021	Teleconference	Yes
	02/17/2022	Teleconference	Yes
	05/09/2022	Riverside	No
	05/24/2022	Sacramento	Yes
	08/16/2022	Riverside	Yes
	12/12/2022	Riverside	Yes
	01/12/2023	Sacramento	Yes
	04/11/2023	Riverside	Yes
	06/13/2023	Sacramento	Yes
Brian Boeglin, Industry Member			
Date Appointed: June 24, 2022			

Meeting Type	Meeting Date	Meeting Location	Attended?
Alarm Company Operator Disciplinary Review Committee	08/16/2022	Riverside	Yes
	12/12/2022	Riverside	Yes
	01/12/2023	Sacramento	Yes
	04/11/2023	Riverside	Yes
	06/13/2023	Sacramento	Yes

Table 1a. Attendance: Collateral Recovery DRC			
Marci Baker, Industry Member			
Date Appointed: April 19, 2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Collateral Recovery Disciplinary Review Committee	08/29/2018	Riverside, CA	Yes
	11/06/2018	Oakland, CA	Yes
	04/26/2019	Riverside, CA	Yes
	09/05/2019	Sacramento, CA	Yes
	07/28/2020	Teleconference	Yes
	10/26/2020	Teleconference	Yes
	01/26/2021	Teleconference	Yes
	11/03/2021	Teleconference	Yes
	09/15/2022	Teleconference	Yes
	03/14/2023	Teleconference	Yes
	06/27/2023	Teleconference	Yes
Ross Viselman, Public Member			
Date Appointed: December 14, 2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Collateral Recovery Disciplinary Review Committee	04/26/2019	Riverside, CA	Yes
	09/05/2019	Sacramento, CA	Yes
	07/28/2020	Teleconference	Yes
	10/26/2020	Teleconference	Yes
	01/26/2021	Teleconference	Yes
	11/03/2021	Teleconference	Yes
	09/15/2022	Teleconference	Yes
	03/14/2023	Teleconference	Yes
	06/27/2023	Teleconference	No
Lisa Maloy, Industry Member			
Date Appointed: April 24, 2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Collateral Recovery Disciplinary Review Committee	07/28/2020	Teleconference	Yes
	10/26/2020	Teleconference	Yes
	11/03/2021	Teleconference	Yes
	09/15/2022	Teleconference	Yes
	03/14/2023	Teleconference	Yes
	06/27/2023	Teleconference	Yes

Leticia Sandoval, Public Member			
Date Appointed: April 24, 2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Collateral Recovery Disciplinary Review Committee	07/28/2020	Teleconference	Yes
	10/26/2020	Teleconference	Yes
	11/03/2021	Teleconference	Yes
	09/15/2022	Teleconference	Yes
	03/14/2023	Teleconference	No
	06/27/2023	Teleconference	Yes
Table 1a. Attendance: Private Investigator DRC			
Collin Wong, Industry Member			
Date Appointed: June 30, 2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Private Investigator Disciplinary Review Committee	12/03/2018	Riverside, CA	Yes
	04/20/2021	Teleconference	Yes
	08/25/2021	Teleconference	Yes
	02/24/2022	Teleconference	Yes
Leticia Alejandre, Public Member			
Date Appointed: June 30, 2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Private Investigator Disciplinary Review Committee	12/03/2018	Riverside, CA	Yes
	04/20/2021	Teleconference	Yes
	08/25/2021	Teleconference	Yes
	02/24/2022	Teleconference	No
Armando Lopez, Industry Member			
Date Appointed: December 18, 2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Private Investigator Disciplinary Review Committee	04/20/2021	Teleconference	Yes
	08/25/2021	Teleconference	Yes
	02/24/2022	Teleconference	Yes
Maggie Soleimani, Public Member			
Date Appointed: September 16, 2021			
Meeting Type	Meeting Date	Meeting Location	Attended?
Private Investigator Disciplinary Review Committee	02/24/2022	Teleconference	Yes

Table 1b. Member Roster: Southern California Private Security DRC					
Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Mary Beth Garber	06/01/2018	05/16/2023	05/16/2027	Governor	Public

Joey Hunter	12/22/2021	N/A	12/20/2025	Governor	Professional – Security Guard
Donald Kuehner	06/28/2023	N/A	06/23/2027	Governor	Professional – Firearm Training Facility
Tiffany Sagbohan	03/18/2022	N/A	03/11/2026	Governor	Public
Vacant	N/A	N/A	N/A	Governor	Professional
Table 1b. Member Roster: Northern California Private Security DRC (as of 6/30/2023)					
Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Anita Battle	06/28/2023	N/A	06/23/2027	Governor	Public
Lawrence Garcia	06/01/2018	05/16/2023	05/16/2027	Governor	Professional
Susan Johnson	10/18/2014	11/25/2019	11/07/2023	Governor	Public
Collin Wong	06/21/2013	05/25/2018	05/16/2022	Governor	Professional
Vacant	N/A	N/A	N/A	Governor	Professional
Table 1b. Member Roster: Alarm Company Operator DRC					
Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Brian Boeglin	06/24/2022	N/A	N/A	Governor	Professional
Lawrence Garcia	01/24/2018	N/A	N/A	Governor	Professional
Randy Kajioka	01/10/2003	N/A	N/A	Governor	Public
Matthew Westphal	12/28/2011	N/A	N/A	Governor	Professional
Vacant	N/A	N/A	N/A	Governor	Public
Table 1b. Member Roster: Collateral Recovery DRC					
Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Marci Baker	04/19/2018	08/11/2021	06/30/2025	Governor	Professional
Lisa Maloy	04/24/2020	08/17/2021	06/30/2025	Governor	Professional
Leticia Sandoval	04/24/2020	11/01/2021	06/30/2025	Governor	Public
Ross Viselman	12/20/2018	08/10/2021	06/30/2025	Governor	Public
Vacant	N/A	N/A	N/A	Governor	Professional
Table 1b. Member Roster: Private Investigator DRC					
Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Leticia Alejandrez	06/30/2017	10/25/2021	06/30/2025	Governor	Public
Armando Lopez	12/18/2018	10/20/2021	06/30/2025	Governor	Professional
Maggie Soleimani	09/16/2021	N/A	06/30/2025	Governor	Public
Beau Lynott	03/06/2023	N/A	06/30/2025	Governor	Professional
Collin Wong	06/30/2017	10/17/2021	06/30/2025	Governor	Professional

Quorum Issues

A lack of quorum does not prevent the Advisory Committee from meeting, since they function solely as an advisory body. However, the Advisory Committee was unable to vote on the Minutes at the April 20, 2023, meeting due to a lack of quorum. The November 2022 and April 2023 Minutes were both adopted at the August 2023 Advisory Committee meeting.

The Bureau's DRCs did not cancel a meeting due to a lack of quorum.

Major Changes to the Bureau

Internal Changes (i.e., reorganization, relocation, change in leadership, strategic planning):

- Lynne Jensen was appointed as the Bureau Chief on April 16, 2019.
- The Private Investigator Fund was consolidated into the Private Security Services Fund in fiscal year 2019-20 via Senate Bill 609 (Glazer, Chapter 377, Statutes of 2019).
- The law on firearms assessments for guards was amended to require guards to pass the assessment *prior* to applying for a firearm permit, reducing the financial burden on both the Bureau and the applicant.
- The Bureau adopted a 2022-2026 Strategic Plan in June 2023, which identifies strategies for enhancing the Bureau's core regulatory functions of licensing and enforcement as well as stakeholder outreach and employee satisfaction.
- Due to an increase in critical workload, the Bureau created an Assistant Bureau Chief position, and appointed Samuel Stodolski to that role in Spring 2023.
- The Legislature through Assembly Bill 229 (Holden, Chapter 697, Statutes of 2021) made significant changes to the private security training standards. Extensive regulations implementing AB 229 were published in July 2023 and are expected to go into effect January 1, 2024.

Legislation Impacting the Bureau

The Bureau has not sponsored legislation in the past five years. Below is the list of enacted legislation that impacted the Bureau and/or the industries it regulates.

2019 Legislation:

- SB 385 (Jones) Ch. 326: Required the Bureau to issue an enhanced photo identification card, rather than a pocket card, upon issuance of each biennial renewal of a private investigator license, effective January 1, 2021.
- SB 609 (Glazer) Ch. 377: Required the Bureau, if the Bureau decides to require a private investigator applicant to complete a course in professional ethics, to specify which courses and course providers satisfy the requirements and required that information to be available on the Bureau's website. Required firearms permit applicants to be at least 21 years of age. Combined the Private Investigator Fund and the Private Security Services Fund. Increased the fee amount for a company name change/fictitious business name, effective January 1, 2020. Increased the amount of various fees under the Private Investigator Act, effective July 1, 2020.
- AB 1289 (Chen) Ch. 65: Prohibits a city, county, or city and county from fining an alarm company for requesting dispatch to a customer that does not have a local use permit if the alarm company was not legally responsible to obtain the permit for the customer.
- AB 622 (Chen) Ch.12: Authorized a private investigator to be granted access to a covered multifamily dwelling for the sole purpose of performing lawful service of process or service of a subpoena.

2020 Legislation:

- AB 2759 (Obernolte) Ch. 354: Extended the time to reinstate an expired repossession agency license from three to ten years. Allowed an immediate family member, in the case of the death of a repossession agency licensed as an individual, to continue the business under the same license number and business name if the immediate family member submits a written request and initial application to the Bureau within 120 days following the death of the licensee.
- SB 1474 (Glazer) Ch. 312: Extended the authority for a private investigator licensee to be structured as a limited liability company to January 1, 2024.

2021 Legislation:

- AB 830 (Flora) Ch. 376: Authorized the Bureau to automatically suspend a license that is not in good standing with the Secretary of State, Franchise Tax Board, or both, and authorized the Bureau to reinstate the license once the license is in good standing and upon payment of the reinstatement fee. Clarified what is to be included in an “endorsed verification of licensure.” Prohibits a Bureau-certified firearms training instructor from certifying their own firearms permit application requirements.
- AB 913 (Smith) Ch. 416: Redefined specified terms in the Collateral Recovery Act, including ‘deadly weapon,’ ‘legal owner,’ and ‘repossession.’ Required instruments or weapons, other than a firearm, to be inventoried and disposed of in a reasonable and safe manner and required a repossession agency to receive written authorization from a debtor allowing a third party to take possession of their belongings. Other minor, technical, and non-substantive changes to the Collateral Recovery Act.
- AB 229 (Holden) Ch.697: Expanded the training in the carrying and use of firearms to include appropriate use of force topics, effective January 1, 2023 (Effective date delayed to July 1, 2023 per AB 2515 (Holden, Ch. 257, Statutes of 2022)). Removed the requirement for private investigators seeking a firearm permit to complete the power to arrest training, effective January 1, 2023. Clarified that an armed (firearm or baton) security guard may only work for a licensed private patrol operator or a political subdivision of the state. Expanded the circumstances under which a private patrol operator must submit a written report (incident report) to the Bureau, clarified the report must be submitted within seven business days, and increased the fine amount for failure to submit an incident report as required by law. Clarified security guard training requirements and amended security guard and private patrol operator training record retention requirements.
- AB 484 (Medina) Ch. 373: Updated the existing requirement that alarm company advertisements include the business name and license number to better reflect modern forms of advertisement. Required all advertisements to provide the licensee name and license number or direct the reader to a landing page on the licensee’s website containing that information.
- AB 358 (Flora) Ch.148: Allowed an electrified security fence to interface with a monitored alarm device in a way that would enable the alarm system to alert the business, monitoring service, or both, in response to an intrusion or burglary.
- SB 607 (Min) Ch. 367: Required an applicant for a firearm permit to pass the assessment required pursuant to Business and Professions Code section 7583.47 prior to submitting their application to the Bureau, and allowed individuals who fail the assessment to retake it every 6 months.

2022 Legislation:

- AB 2515 (Holden) Ch. 257: Required baton permits to be issued by the Bureau instead of baton training facilities. Also required said permits to be renewed and required applicants

for renewal to take a refresher course of training as a condition of renewal. Clarified that PSOs may not carry a firearm or any other deadly weapon, including any electronic control device, stun gun, baton, or any chemical agent, including pepper spray.

- SB 1495 (Roth) Ch. 511: Required private investigator licensees to report annually on or after March 1, 2023, any claim paid during the prior calendar year and required BSIS to create a form for that purpose; and removed the requirement that BSIS post a notice of the claim. Repealed the requirement that the expiration date of the license or certification of appropriate use of force course providers be included in the security guard registration application. Repealed the requirement that a security guard applicant pay a \$10 certification fee and instead required the applicant to pay a fee as otherwise prescribed for the replacement of a certified firearms qualification card.
- SB 1443 (Roth) Ch. 625: Extended the scheduled sunset review for several boards and bureaus within DCA, including BSIS, by one year, moving the sunset date to January 1, 2025.

2023 Legislation:

- AB 1244 (Holden) Ch. 571: Required a qualified manager (QM) of a private patrol operator to have a biannual renewal process for their QM license; required a private investigator QM to obtain a separate QM license when managing a company not their own; sets additional standards for those wishing to be a private patrol operator.

Regulations Impacting the Bureau

Private Investigator Application Fee Increase (SB 385). Approved by OAL: February 9, 2022. Effective: April 1, 2022.

Omnibus Cleanup – Section 100. Approved by OAL: March 18, 2021. Effective: March 18, 2021.

AB 2138 Substantial Relationship Criteria and Criteria for Evaluating Rehabilitation. Approved by OAL: June 1, 2021. Effective: June 1, 2021.

Course of Firearm Training, Skills Training Course for Security Guards, and Skills Training Course for Proprietary Private Security Officers. Published by OAL: July 19, 2023, pending at OAL with a request for an effective date of January 1, 2024.

Major Studies

There have been no major studies by the Bureau since the Bureau's last sunset.

Associations

The Bureau belongs to the International Association of Security and Investigative Regulators (IASIR). The Bureau's membership includes voting privileges. In 2023, Chief Jensen was part of the IASIR Annual Conference Planning Committee. Chief Jensen attended six meetings of the IASIR Annual Conference Planning Committee in 2023 via Zoom on June 8, 16, 29; July 20; and August 11, 2023.

National Examinations

The Bureau does not use national examinations for any of its licenses.

Fiscal Issues

The Private Security Services (PSS) Fund is not continuously appropriated. Until fiscal year 2019-20, the Bureau oversaw two funds: the PSS Fund and the Private Investigator Fund. There was a statutory reserve limit on both. Pursuant to Business and Professions Code section 128.5(b), if either fund exceeded 24 months in reserve, the Bureau must reduce fees associated with the applicable license types.

Through SB 609 (Glazer, Chapter 377, Statutes of 2019), the Legislature required both funds be merged into the PSS Fund. At that time, there was approximately \$912,000 in the Private Investigator Fund, most of which was rolled into the Private Security Services Fund. (Note: Multi-year results for the Private Investigator Fund are listed in this report, as accounting must keep the fund open for several years to allow for any incoming/outgoing transfers to the fund in case any charges were set up for a specific fiscal year.)

The PSS Fund is estimated to finish fiscal year 2022-23 with a reserve balance of \$5,962,000, which equates to 3.8 months in reserve. The Bureau projects the reserve balance in fiscal year 2023-24 will be approximately \$4,044,000 equaling 2.5 months in reserve. Total expenditures for fiscal year 2022-23 are projected to be \$15,700,000.

Without any fee increases, a deficit is expected to occur in the PSS Fund in fiscal year 2025-26. The Bureau is currently drafting regulations to increase all fees to the statutory level authorized in the practice acts, however, at this time the effective date for those regulations is unknown. The Bureau expects to have these regulations submitted to the Office of Administrative Law by the end of the calendar year 2024.

As previously stated, the Private Investigator Fund was merged into the PSS Fund in fiscal year 2019-20.

Table 2. Fund Condition – Private Security Services (PSS) Fund

(Dollars in Thousands)	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23**	FY 2023/24***	FY 2024/25
Beginning Balance*	\$9,143	\$7,331	\$6,964	\$5,157	\$6,302	\$4,258
Revenues and Transfers	\$14,738	\$15,957	\$15,647	\$16,844	\$17,492	\$18,216
Total Resources	\$23,881	\$23,288	\$22,611	\$22,001	\$23,794	\$23,019
Budget Authority	\$15,238	\$15,874	\$17,938	\$17,870	\$18,253	\$18,803
Expenditures****	\$15,485	\$16,832	\$17,575	\$15,699	\$19,536	\$20,056
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$8,396	\$6,456	\$5,036	\$6,302	\$4,258	\$2,418
Months in Reserve	6	4.4	3.7	3.9	2.6	1.4

*After prior year adjustments

**FY 2022/23 has been updated after initial submission to include 2022/23 Actuals.

***Updated to capture estimated fund balance transfer from PI Fund to PSS Fund.

****Expenditures include direct draws to the fund (i.e Statewide Prorata, Supplemental Pension, etc.)

Tab Table 2. Fund Condition – Private Investigator (PI) Fund						
(Dollars in Thousands)	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23**	FY 2023/24***	FY 2024/25
Beginning Balance*	\$912	\$424	\$440	\$425	\$434	\$0
Revenues and Transfers	\$654	\$94	\$2	\$9	-\$434	\$0
Total Resources	\$1,566	\$518	\$442	\$434	\$0	\$0
Budget Authority	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures****	\$1,135	\$85	\$17	\$0	\$0	\$0
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$431	\$433	\$425	\$434	\$0	\$0
Months in Reserve*****	4.2	0.0	0.0	0.0	0.0	0.0

*After prior year adjustments

**FY 2022/23 has been updated after initial submission to include 2022/23 actuals.

***Updated to capture estimated fund balance transfer from PI Fund to PSS Fund. PI Fund to be abolished in 2023/24.

****Expenditures include direct draws to the fund (i.e Statewide Prorata, Supplemental Pension, etc.)

*****Months in Reserve are no longer captured once the fund merged. Balance will remain until transferred to PSS Fund once PI fund is abolished.

General Fund Loans

Private Security Services Fund

Since fiscal year 2003–04, the PSS Fund made two loans to the General Fund: \$4 million in fiscal year 2003–04 and \$4 million in fiscal year 2011–12. Repayment for the full \$8 million loan amount was made in fiscal year 2015-16. In addition to payment for the principal amount, the PSS Fund also received payment of \$764,000 in interest.

Private Investigator Fund

In fiscal year 2011–12, the Private Investigator Fund made one loan to the General Fund of \$1.5 million. A \$750,000 repayment was made to the Private Investigator Fund in fiscal year 2016-17. Payment for the remaining \$750,000 was made in July 2018. In addition to payment for the principal amount, the Private Investigator Fund also received interest payments totaling about \$36,000.

Table 3. Expenditures by Program Component

Table 3. Expenditures by Program Component: Private Security Services Fund								
(Dollars in Thousands)	FY 2019/20		FY 2020/21		FY 2021/22		FY 2022/23	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$2,458	\$3,239	\$2,668	\$3,899	\$3,100	\$2,725	\$2,896	\$1,647
Examination	\$0	\$23	\$0	\$42	\$0	\$148	\$0	\$84
Licensing	\$2,498	-\$368	\$2,711	\$278	\$3,150	\$244	\$2,942	\$395
Administration *	\$955	-\$121	\$994	\$87	\$1,149	\$77	\$1,087	\$118
DCA Pro Rata	\$0	\$5,692	\$0	\$5,151	\$0	\$5,819	\$0	\$5,240
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$5,911	\$8,465	\$6,373	\$9,457	\$7,399	\$9,013	\$6,925	\$7,484
*Administration includes costs for executive staff, board, administrative support, and fiscal services.								

Table 3. Expenditures by Program Component: Private Investigator Fund								
(Dollars in Thousands)	FY 2019/20		FY 2020/21		FY 2021/22		FY 2022/23	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$145	\$104	\$0	\$0	\$0	\$0	\$0	\$0
Examination	\$0	\$323	\$0	\$0	\$0	\$0	\$0	\$0
Licensing	\$148	\$42	\$0	\$0	\$0	\$0	\$0	\$0
Administration *	\$48	\$12	\$0	\$0	\$0	\$0	\$0	\$0
DCA Pro Rata	\$0	\$218	\$0	\$0	\$0	\$0	\$0	\$0
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$341	\$699	\$0	\$0	\$0	\$0	\$0	\$0
*Administration includes costs for executive staff, board, administrative support, and fiscal services.								

BreEZe

Since FY 18-19, BSIS has budgeted \$18,448,324 for the BreEZe program.

License Terms

With the exception of those items listed below, Bureau licenses, registrations, permits, and certifications have a two-year renewal cycle with the expiration date being the last day of the month in which it is originally issued.

- The term for an initial repossession agency license, repossession agent registration, and repossession agency qualified manager certificate is one year with the term expiring on the last day of the month in which it was originally issued. Thereafter, the license, registration and certificate have a two-year renewal cycle.
- On January 1, 2024, pursuant to Assembly Bill 2515 (Holden, Chapter 287, Statutes of 2022), baton permits will have a two-year renewal cycle, whereas they previously were a lifetime license with no expiration nor continuing education requirements.

Fee Changes

- *Assignment of License Fee – Alarm Company Operator License and Private Investigator License*: SB 1077 (Price, Chapter 291, Statutes of 2012) established the authority for an alarm company operator license to be assigned, under specified conditions, effective January 1, 2015 and provided for an assignment fee not to exceed \$125.00. AB 1608 (Olsen, Chapter 669, Statutes of 2014) established the authority for a private investigator license to be assigned, under specified conditions, effective January 1, 2015, and provided for an assignment fee not to exceed \$125.00. The Bureau established the respective \$125.00 assignment fee by regulation in 2015 with the fees becoming operative on January 1, 2016.
- SB 547 (Hill, Chapter 429, Statutes of 2017) increased the fees that support PSS Fund effective July 1, 2018, with the exception of the renewal fee for a repossession agency qualified manager certificate and the renewal fee for a repossession agent registration, which were decreased. In addition, the license replacement fee was set at \$25.00 (prior fee was \$5.00 for baton permit and \$10.00 for all others), the certificate of licensure fee was set at \$25.00 (prior fees either \$20.00 or \$50.00 depending on the Act, the Collateral Recovery Act does not provide for a certificate of licensure), and the verification of licensure fee was set at \$25.00.
- SB 385 (Jones, Chapter 326, Statutes of 2019) established a fee of \$25 for an endorsed verification for licensure, certification, or permit. Additionally, the bill authorized a reinstatement fee, following a suspension, of not more than 50% of the renewal fee for the private investigator license type. This became operative on July 1, 2020.
- AB 830 (Flora, Chapter 376, Statutes of 2021) amended Business and Professions Code 7570 to require that the fee for reinstatement of a suspended license be 25% of the fee imposed for renewal of a license.
- SB 609 (Glazer, Chapter 377, Statutes of 2019) abolished the Private Investigator Fund and directed money derived under the act to be deposited into the Private Security Services Fund. Created a floor and ceiling fee structure to address the increased licensing costs. Raised the following fees: (a) private investigator original license and examination fee, (b) original branch office certificate application fee, (c) original private investigator fee, (d) private investigator license renewal fee, (e) branch certificate renewal fee, and (f) assignment of private investigator license fee. Adopted initial and renewal firearm permit application fees to be consistent with the statutory minimums required by SB 1217, which were \$100 for an initial firearm permit and \$80 for a renewal firearm permit.
- AB 2515 (Holden, Chapter 287, Statutes of 2022) requires the Bureau to issue and renew baton permits. The bill established an initial baton permit fee of at least \$60, but not to exceed \$66. It also established the renewal baton permit fee of at least \$40, but not to exceed \$44.

Bureau Fee Authority		
Industry	Business and Professions Code	CA Code of Regulations Title 16, Division 7
Alarm Company	7593.1; 7593.8; 7598.4; 7598.14; 7599.62; 7599.70	641
Locksmiths	6980.77; 6980.79	638
Private Investigators	7525.1; 7527.5; 7528; 7529; 7532; 7561.2; 7570	639
Private Security Services	7582.7; 7582.10; 7582.13; 7582.17; 7583.9; 7583.30; 7584.5; 7585.9; 7587.11; 7588	640
Proprietary Security Services	7574.11; 7574.13; 7574.35; 7574.36	642.5
Repossessors	7503.1; 7506.5; 7510.3 7511	642

Table 4. Fee Schedule and Revenue (list revenue dollars in thousands)								
Fee	Current Fee Amount	Statutory Limit	FY 2019/20 Revenue (PI)	FY 2019/20 Revenue (PSS)	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23 Revenue	% of Total Revenue
Alarm Company – Initial Application	\$370	\$407	\$0	\$47	\$32	\$34	\$47	0.2%
Alarm Company – Initial License	\$600	\$660	\$0	\$53	\$27	\$35	\$35	0.2%
Alarm Company – Renewal	\$750	\$825	\$0	\$645	\$607	\$615	\$552	3.7%
Alarm Company – Delinquent Renewal	\$375	\$413	\$0	\$41	\$39	\$36	\$38	0.2%
Alarm Company – Assignment	\$400	\$440	\$0	\$3	\$0	\$0	\$1	0.0%
Alarm Company Branch - Initial Application	\$250	\$275	\$0	\$9	\$7	\$4	\$3	0.0%
Alarm Company Branch – Renewal	\$150	\$165	\$0	\$20	\$13	\$20	\$15	0.1%
Alarm Company Branch – Delinquent Renewal	\$75	\$83	\$0	\$1	\$1	\$0	\$1	0.0%
Alarm Employee – Initial Registration	\$55	\$60	\$0	\$207	\$248	\$215	\$197	1.3%
Alarm Employee – Renewal	\$40	\$44	\$0	\$178	\$170	\$153	\$145	1.0%
Alarm Employee – Delinquent Renewal	\$20	\$22	\$0	\$9	\$9	\$9	\$7	0.1%
Alarm Employee – Duplicate	\$25	\$25	\$0	\$4	\$4	\$2	\$2	0.0%
Alarm Qualified Manager – Initial Application/ Exam	\$350	\$385	\$0	\$34	\$31	\$24	\$31	0.2%
Alarm Qualified Manager – Renewal	\$225	\$248	\$0	\$212	\$180	\$200	\$167	1.2%

Alarm Qualified Manager – Delinquent Renewal	\$113	\$124	\$0	\$17	\$13	\$14	\$13	0.1%
Baton Permit	\$60	\$66	\$0	\$245	\$292	\$277	\$279	1.7%
Baton Permit – Duplicate	\$25	\$25	\$0	\$8	\$9	\$9	\$11	0.1%
Firearms Permit – Initial Application	\$100	\$110	\$0	\$1,062	\$1,258	\$993	\$850	6.5%
Firearms Permit – Renewal	\$80	\$88	\$0	\$1,193	\$1,040	\$1,122	\$1,101	6.9%
Firearm Permit – Duplicate	\$25	\$25	\$0	\$41	\$38	\$39	\$42	0.2%
Locksmith Company – Initial Application	\$250	\$275	\$0	\$55	\$60	\$63	\$66	0.4%
Locksmith Company – Initial License	\$250	\$275	\$0	\$55	\$61	\$62	\$64	0.4%
Locksmith Company – Renewal	\$500	\$550	\$0	\$433	\$472	\$461	\$458	2.8%
Locksmith Company – Delinquent Renewal	\$250	\$250	\$0	\$27	\$38	\$32	\$29	0.2%
Locksmith Company Branch – Initial Application	\$250	\$275	\$0	\$2	\$5	\$2	\$2	0.0%
Locksmith Company Branch – Renewal Fee	\$150	\$165	\$0	\$4	\$2	\$3	\$2	0.0%
Locksmith Employee – Application	\$55	\$60	\$0	\$19	\$16	\$15	\$17	0.1%
Locksmith Employee – Renewal	\$40	\$44	\$0	\$35	\$25	\$34	\$23	0.2%
Locksmith Employee – Delinquent Renewal	\$20	\$20	\$0	\$1	\$1	\$1	\$1	0.0%
Locksmith Employee – Duplicate	\$25	\$25	\$0	\$1	\$0	\$0	\$0	0.0%
Private Investigator Company – Initial Application/ Exam	\$340	\$374	\$22	\$0	\$90	\$92	\$119	0.5%
Private Investigator Company – Initial License	\$385	\$424	\$41	\$0	\$54	\$63	\$74	0.4%
Private Investigator Company – Renewal	\$265	\$292	\$502	\$0	\$783	\$935	\$850	4.8%
Private Investigator Company – Delinquent Renewal	\$133	\$146	\$22	\$0	\$26	\$31	\$37	0.2%
Private Investigator Company – Assignment	\$400	\$440	\$2	\$0	\$7	\$10	\$12	0.0%

Private Investigator Company – Duplicate	\$25	\$25	\$1	\$0	\$2	\$1	\$1	0.0%
Private Investigator Company – Name Change	\$75	\$82	\$2	\$0	\$4	\$4	\$5	0.0%
Private Investigator Company – Suspension Reinstatement	\$66	\$66	\$0	\$0	\$1	\$1	\$0	0.0%
Private Investigator Branch – Initial Application	\$90	\$99	\$1	\$0	\$2	\$2	\$1	0.0%
Private Investigator Branch – Renewal	\$65	\$72	\$1	\$0	\$3	\$4	\$5	0.0%
Private Investigator Branch – Delinquent Renewal	\$33	\$36	\$0	\$0	\$0	\$0	\$1	0.0%
Private Patrol Operator – Initial Application/ Exam	\$550	\$605	\$0	\$278	\$280	\$335	\$392	2.0%
Private Patrol Operator – Initial License	\$770	\$847	\$0	\$160	\$186	\$278	\$306	1.4%
Private Patrol Operator – Renewal	\$900	\$990	\$0	\$988	\$1,010	\$1,065	\$1,080	6.4%
Private Patrol Operator – Delinquent Renewal	\$450	\$495	\$0	\$34	\$41	\$40	\$40	0.2%
Private Patrol Operator – Duplicate	\$25	\$25	\$0	\$0	\$0	\$1	\$1	0.0%
Private Patrol Operator – Name Change	\$75	\$82	\$0	\$5	\$5	\$4	\$6	0.0%
Private Patrol Operator – Suspension Reinstatement	\$225	\$225	\$0	\$1	\$0	\$1	\$0	0.0%
Private Patrol Operator Branch – Initial Application	\$250	\$275	\$0	\$13	\$15	\$19	\$22	0.1%
Private Patrol Operator Branch – Renewal	\$150	\$165	\$0	\$19	\$22	\$19	\$22	0.1%
Private Patrol Operator Branch – Delinquent Renewal	\$75	\$83	\$0	\$0	\$2	\$1	\$1	0.0%
Private Patrol Operator Branch – Duplicate	\$25	\$25	\$0	\$0	\$0	\$0	\$1	0.0%
Proprietary Private Security Employer – Initial Application	\$350	\$385	\$0	\$30	\$29	\$51	\$41	0.2%
Proprietary Private Security Employer – Renewal	\$350	\$385	\$0	\$58	\$84	\$67	\$83	0.5%

Proprietary Private Security Employer – Delinquent Renewal	\$175	\$193	\$0	\$2	\$2	\$3	\$4	0.0%
Proprietary Private Security Officer – Initial Registration	\$55	\$60	\$0	\$126	\$90	\$156	\$183	0.9%
Proprietary Private Security Officer – Renewal	\$40	\$44	\$0	\$57	\$57	\$58	\$47	0.3%
Proprietary Private Security Officer – Delinquent Renewal	\$20	\$22	\$0	\$4	\$6	\$5	\$3	0.0%
Proprietary Private Security Officer – Duplicate	\$25	\$25	\$0	\$1	\$2	\$1	\$2	0.0%
Repossession Agency – Initial Application/License	\$970	\$1,067	\$0	\$8	\$34	\$27	\$22	0.1%
Repossession Agency – Renewal	\$750	\$825	\$0	\$104	\$81	\$83	\$76	0.5%
Repossession Agency – Delinquent Renewal	\$375	\$413	\$0	\$4	\$3	\$4	\$3	0.0%
Repossession Employee – Initial Registration	\$75	\$82	\$0	\$12	\$9	\$9	\$13	0.1%
Repossession Employee – Re-Registration	\$75	\$82	\$0	\$3	\$1	\$0	\$1	0.0%
Repossession Employee – Renewal	\$40	\$44	\$0	\$11	\$9	\$7	\$6	0.1%
Repossession Employee – Delinquent Renewal	\$20	\$22	\$0	\$0	\$1	\$0	\$0	0.0%
Repossession Qualified Manager – Initial Application/Exam	\$350	\$385	\$0	\$4	\$7	\$3	\$10	0.0%
Repossession Qualified Manager – Renewal	\$225	\$248	\$0	\$24	\$33	\$23	\$28	0.2%
Repossession Qualified Manager – Delinquent Renewal	\$113	\$124	\$0	\$2	\$3	\$2	\$2	0.0%
Security Guard – Initial Application	\$55	\$60	\$0	\$3,406	\$3,475	\$4,018	\$4,375	23.7%
Security Guard – Renewal	\$40	\$44	\$0	\$3,489	\$3,652	\$3,424	\$3,522	21.8%
Security Guard – Delinquent Renewal	\$20	\$22	\$0	\$204	\$198	\$237	\$213	1.3%
Security Guard – Duplicate	\$25	\$25	\$0	\$182	\$184	\$187	\$207	1.2%
Training Facility Baton – Initial Application	\$700	\$770	\$0	\$8	\$14	\$12	\$8	0.1%
Training Facility Baton – Renewal	\$550	\$605	\$0	\$31	\$40	\$30	\$42	0.2%

Training Facility Baton – Reinstatement	\$275	\$303	\$0	\$1	\$1	\$2	\$0	0.0%
Training Facility Firearm – Initial Application	\$800	\$880	\$0	\$24	\$24	\$22	\$22	0.1%
Training Facility Firearm – Renewal	\$750	\$825	\$0	\$92	\$111	\$93	\$114	0.6%
Training Facility Firearm – Reinstatement	\$375	\$413	\$0	\$2	\$0	\$3	\$1	0.0%
Training Facility Firearm – Name Change	\$75	\$82	\$0	\$0	\$0	\$1	\$0	0.0%
Training Instructor Baton – Initial Application	\$350	\$385	\$0	\$8	\$8	\$9	\$7	0.0%
Training Instructor Baton – Renewal	\$275	\$303	\$0	\$21	\$22	\$21	\$24	0.1%
Training Instructor Firearm – Initial Application	\$350	\$385	\$0	\$20	\$22	\$22	\$22	0.1%
Training Instructor Firearm – Renewal	\$300	\$330	\$0	\$78	\$74	\$76	\$74	0.5%
Training Instructor Firearm – Reinstatement	\$150	\$165	\$0	\$1	\$0	\$1	\$0	0.0%
Misc. Revenue	Various	Various	\$60	\$562	\$450	\$299	\$514	2.9%

Budget Change Proposals (BCPs)

FY 2019-2020

BSIS submitted a BCP (1111-002) to obtain ongoing funding for 2.0 office technician positions and 2.0 program technician II positions in the Licensing Unit. The new positions were necessary to address the higher than anticipated workload increase resulting from several legislative mandates for which BCPs had already been approved. This BCP was approved.

FY 2020-2021

BSIS submitted a legislative BCP (1111-036) to address the additional workload resulting from implementing AB 2138 (Chiu, Chapter 995, Statutes of 2018). The BCP augmented the position authority and provided funding for 1.0 associate governmental program analyst position in the Disciplinary Review unit. BSIS also submitted a BCP (1111-038) to obtain funding for 1.0 staff services manager I position in the Licensing Unit to address the high staff-to-management ratio in the unit. Both BCPS were approved.

FY 2021-2022

BSIS submitted a legislative BCP (1111-116) to address the additional workload resulting from AB 229 (Holden, Chapter 697, Statutes of 2021), which required private patrol operators to submit an incident report for physical altercations that require any type of first aid, or physical use of force or violence on any person while on duty. The Bureau requested 1.0 staff services analyst in the Complaint Resolution Unit. This BCP was approved.

FY 2022-2023

BSIS submitted a legislative BCP (1111-081) to address the additional workload resulting from implementing AB 2515 (Holden, Chapter 287, Statutes of 2022), which authorized private security employer inspections, the review and investigation of incident reports, and the issuance and renewal of baton permits for the Bureau's licensees. The Bureau requested .5 staff services analyst, 1.0 associate governmental program analyst, and 3.0 program technician IIs. This BCP was approved.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-002	19-20	Licensing and Enforcement Augmentation	2.0 OT 2.0 PT II	2.0 OT 2.0 PT II	-	-	-	-
1111-036	20-21	AB 2138 Legislative Implementation	1.0 AGPA	1.0 AGPA	117,000	117,000	33,000	33,000
1111-038	20-21	Licensing Augmentation	1.0 SSM I	1.0 SSM I	135,000	135,000	33,000	33,000
1111-016	22-23	AB 229 Legislative Implementation	1.0 SSA	1.0 SSA	97,000	97,000	33,000	33,000
1111-023	23-24	AB 2515 Legislative Implementation	3.0 PT II .5 SSA 1.0 AGPA	3.0 PT II .5 SSA 1.0 AGPA	308,000	308,000	115,000	115,000

Staffing Issues

The Bureau has struggled with recruitment and retention over the last four years. The biggest challenge has been competing with other state agencies that offer full time telework, which the Bureau is not able to do with most positions. The Bureau also loses entry level staff to promotional opportunities both within and outside the Bureau. To mitigate some of these challenges, and to meet the growing complexity of licensing requirements, Bureau management successfully reclassified positions in licensing, enforcement, and the disciplinary review units to recruit and retain staff capable of carrying out the duties and responsibilities. Some of these reclassification efforts include:

- Reclassified program technician positions to analyst positions in company licensing and established a separate "company licensing" unit under the leadership of a dedicated company licensing manager.
- Split the enforcement unit and established a new manager to oversee complaint intake and complaint resolution.
- Reclassified program technician positions in licensing to management services technicians to carry out the more complex work associated with firearm permits.
- Reclassified analyst positions to Special Investigators (non-sworn) to conduct field investigations, including unlicensed activity.

Succession planning efforts include cross-training staff to ensure knowledge of the Bureau's business processes and procedures is not isolated to a single employee. In addition, the Bureau is constantly maintaining and updating procedural manuals and reference documents to help retain institutional knowledge and ensure staff are correctly and consistently carrying out their duties.

Staff Development

The Bureau encourages all employees to participate in training classes offered by DCA's SOLID Training Office or CalLearns, including:

- 1) Software classes (Word, Excel, Outlook, etc.)
- 2) BreEZe training classes (Basics, Applications, Enforcement, etc.) and Qualified Business Interactive Report Tool training (an IBM Cognos product used to extrapolate, sort, and analyze BreEZe data).
- 3) Individuals that want to promote to analyst positions or are in analyst positions will complete courses such as Completed Staff Work, Critical Thinking Skills, and Writing for Analysts.
- 4) The Custodian of Records is provided basic training from the Bureau's counsel regarding the California Public Records Act as well as training in responding to subpoenas.
- 5) Individuals who work on legislation and regulations complete courses such as Regulations: What Happens After Submission, Regulations: Tips for Preparing Agenda Items and Motions for Rulemaking, and Legislative Bill Analysis.
- 6) Other courses completed by Bureau staff are Communicating Effectively, Writing Effective Policies and Procedures, and Customer Service Excellence.
- 7) All staff complete annual courses such as *Information Security and Privacy Protection Awareness*, and *Sexual Harassment Prevention* as required by law.
- 8) Mandatory leadership positions complete courses such as Supervisory Development Program, Management Development Program, and Executive Development Program.

The Bureau relies heavily on training offered through the Department's SOLID training office in addition to CalLearns. Every fiscal year the Bureau is allotted a budget for training staff. Courses offered through SOLID are free through the Bureau's pro-rata to the Department. Courses outside of SOLID are paid through the Bureau's training line item and over the past four fiscal years from 2019-2023 years the Bureau has spent \$54,124 and averaged \$13,531 annually for training classes.

Licensing Performance Targets

The Bureau has identified specific processing times as described below. Overall, the Bureau meets its performance targets. However, processing times can increase around the holiday season and summer months when security guard applications historically increase, and staff time off is higher. During these times the Bureau will redirect staff from other units to help process applications if processing times are approaching the targeted processing times. The Bureau has not had to institute voluntary or mandatory overtime in four years.

The Bureau had a significant number of vacancies in the last two years, and the limited staff resources were directed towards processing applications, recognizing that increased processing time resulted in increased complaints to the Bureau. The Bureau has hired enough licensing staff to redirect resources back to activities such as updating job aids, updating the Frequently Asked Questions auto responses, and updating/revising sections on the Bureau's website that are heavily viewed by applicants and licensees.

Employee Registrations

- **Initial Applications:** The employee registrations' initial applications consist of the following license types: security guards, proprietary private security officer, alarm company employee, locksmith employee, and reposessor agency employee. The Bureau strives to issue an employee registration for an applicant that is in the military, a veteran, is married to a spouse in the military, or has a domestic partner in the military within 45 days of receipt of a non-deficient BreEZe application or sooner. For non-military applications, the processing goal is to issue a license within 60 days of receipt of a non-deficient application. The Bureau also processes online applications at least a week faster than paper applications, depending on the volume, staffing, etc. Processing times for BreEZe applications can run longer due to the Department of Justice (DOJ) or Federal Bureau of Investigation (FBI) requiring the applicant to re-fingerprint, or delayed responses from DOJ or FBI. These delays are outside the Bureau's control.

Processing times for paper applications can be longer than online applications because in addition to fingerprinting timelines, applications are often missing required information (i.e. deficiencies) that the applicant needs to remedy. In cases where an employee registration applicant's DOJ information matches the data the applicant entered into the BreEZe application and the applicant has no criminal history, the BreEZe/DOJ interface is designed to automatically issue the license. In these instances, it is not uncommon for an applicant to be issued their registration within days of having submitted fingerprints via LiveScan. At this time, however, not all license types are available online. Currently, the Bureau's reposessor agency employee initial registrations are not available on BreEZe because the repossession agency must fill out the paperwork for this application type, and then send it to the Bureau.

- **Renewal Applications:** By law, registrants are required to submit their renewal applications at least 60 days before expiration. If the renewal application is received within this timeframe and there are no deficiencies (e.g., failure to include payment or sign the form), the Bureau, barring extenuating circumstances, can renew the registration before the current one expires. The vast majority of scenarios where a registration expires before renewal involves the registrant failing to submit the renewal application timely, or not submitting the correct documents resulting in a deficiency. BreEZe registration renewals are processed in real time,

which means the registration is renewed upon submission of the application and payment of the correct fee amount.

Firearms Permits

- **Initial Applications:** The Bureau strives to issue a firearm permit from an applicant in the military, a veteran, is married to a spouse in the military, or has a domestic partner in the military within 56 days after receipt of a non-deficient application or sooner. For non-military applications, the goal is to process the application within 75 days of receipt of a non-deficient application. The Bureau also processes the online applications at least a week faster than paper depending on the volume, staffing, etc.
- **Renewal Applications:** By law, permit holders are required to submit their renewal applications at least 60 days before expiration. If the renewal application is received within this timeframe and there are no deficiencies (e.g., failure to include payment, sign the form, firearms instructor's failure to provide required information or sign the form, etc.), the Bureau, barring extenuating circumstances, can renew the permit before the current one expires. The vast majority of scenarios where a permit expires before renewal involves the application being deficient or the permit holder failing to submit the renewal application timely.

Companies, Qualified Managers, Facilities and Training Instructors

• Initial Applications:

The Bureau strives to issue:

- A locksmith company license, baton training facility certificate, and firearm training facility certificate for non-deficient applications within 90 days of receipt of the application. Processing times can be longer for similar issues as registration applications, although the most common reasons relate to deficiencies.
- An alarm qualified manager, repossession agent qualified manager, baton training instructor and firearm training instructor certificate within 75 days of receipt of the application. Processing times can be longer for similar issues as registration applications, and in the case of the qualified manager applications, times can increase due to the length of time it takes the applicant to pass the qualifying exam.
- An alarm company operator, collateral recovery agency, private investigator company, and private patrol operator license within 120 days of receipt of the application. Processing times can be longer for similar issues as registration applications, and the length of time it takes the person who will serve as the qualified manager to pass the qualifying exam.

- **Renewal Applications:** The Bureau strives to process all non-deficient applications within 60 days. The most common reasons for the renewal license not being issued before the current one expires are deficiencies (e.g., fields left blank, not-previously-disclosed changes on the license that need to be addressed, an unauthorized person signing the renewal application, etc.) or the licensee failing to submit the renewal application at least 60 days before expiration of the current license. Also, BreZE renewals are processed in real time, which means the license/certificate is renewed upon submission of the application and payment of the correct fee amount.

Application Processing Times

To promote efficiencies, the Bureau has encouraged online processing (versus paper applications) via its outreach efforts, including speaking to its various professions at conferences, advisory committee meetings, and through its listserv email distributions. Using online applications results in less workload for staff and a reduction in processing times. Additionally, the Bureau has begun updating the BreEZe online company applications to make it more user friendly, with less opportunities for applicants to overlook required information that will result in a deficiency. While the magnitude of applications received is challenging, the Bureau strives for continuous improvement and implements changes when process efficiencies are identified.

Denials Related to Criminal History

Over the last four years, the Bureau received and reviewed an average of 18,888 applications with criminal convictions each year, and denied an average of 3,414 applications based on substantially related criminal history. Given the significant operational impact of providing a breakdown on each of the approximate 13,658 applications the Bureau has denied over the past four years, the Bureau is instead providing general information regarding the denials. Convictions are considered substantially related if, to a notable degree, they evidence a present or potential unfitness for licensure and include crimes involving violence, sexual assault, sexual abuse or public indecency, misdemeanor or felony theft, unlawful possession or use of a firearm, felony property crimes, and felonies related to manufacturing or sales of controlled substances. In reviewing a criminal history, the Bureau also considers the nature and severity of the act, the time that has lapsed since the commission of the crime, the applicant's compliance with parole, probation, or restitution terms, and any other evidence of rehabilitation.

Table 6. Licensee Population					
		FY 19/20	FY 20/21	FY 21/22	FY 22/23
Alarm Company	Active	1,810	1,727	1,652	1,585
	Out of State	132	130	116	114
	Out of Country	0	0	0	0
	Delinquent/Expired	363	383	342	358
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	1	0	1	1
	Other	87	74	87	76
Alarm Company Branch	Active	235	264	242	238
	Out of State	106	98	94	82
	Out of Country	0	0	0	0
	Delinquent/Expired	74	48	56	47
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	17	16	20	26

		FY 19/20	FY 20/21	FY 21/22	FY 22/23
Alarm Employee	Active	17,154	16,824	15,945	14,713
	Out of State	3,428	3,176	3,030	2,616
	Out of Country	0	0	0	0
	Delinquent/Expired	813	854	306	487
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	762	,754	795	,827
Alarm Qualified Manager	Active	1,843	1,791	1,725	1,666
	Out of State	173	170	143	147
	Out of Country	1	1	1	0
	Delinquent/Expired	383	409	362	371
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	17	11	12	15
Baton Permit	Active	34,718	34,448	35,434	36,717
	Out of State	622	627	347	338
	Out of Country	0	0	0	0
	Delinquent/Expired	0	0	0	0
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	104,116	107,791	111,951	115,955
Firearm Permit	Active	37,458	39,232	40,363	41,299
	Out of State	670	667	485	523
	Out of Country	0	0	0	0
	Delinquent/Expired	2,802	1,764	1,899	1,388
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	5,911	6,531	7,681	8,926
Locksmith Company	Active	2,174	2,136	2,145	2,181
	Out of State	34	32	19	18
	Out of Country	0	0	0	0
	Delinquent/Expired	1,270	1,238	895	634
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	28	7	7	8
Locksmith Company Branch	Active	50	61	53	45
	Out of State	6	7	7	7
	Out of Country	0	0	0	0
	Delinquent/Expired	13	13	25	36
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	3	5	4	4

		FY 19/20	FY 20/21	FY 21/22	FY 22/23
Locksmith Employee	Active	2,132	2,066	1,926	1,907
	Out of State	79	81	60	61
	Out of Country	0	0	0	0
	Delinquent/Expired	37	32	18	27
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	57	57	59	61
Private Investigator	Active	8,329	7,896	7,252	6,960
	Out of State	577	560	438	431
	Out of Country	0	0	0	0
	Delinquent/Expired	1,793	1,862	2,110	2,103
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	3	2	2	3
	Other	41	23	26	22
Private Investigator Branch	Active	171	162	153	150
	Out of State	22	29	27	28
	Out of Country	0	0	0	0
	Delinquent/Expired	71	62	74	66
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	12	21	18	22
Private Patrol Operator	Active	2,477	2,492	2,682	2,790
	Out of State	93	97	81	86
	Out of Country	0	0	0	0
	Delinquent/Expired	125	90	84	92
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	1
	Other	657	738	619	640
Private Patrol Operator Branch	Active	341	369	390	401
	Out of State	25	41	44	45
	Out of Country	0	0	0	0
	Delinquent/Expired	124	102	104	107
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	28	37	58	65
Proprietary Private Security Employer	Active	607	564	612	630
	Out of State	27	28	16	21
	Out of Country	0	0	0	0
	Delinquent/Expired	23	18	18	15
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	0	0	0	0

		FY 19/20	FY 20/21	FY 21/22	FY 22/23
Proprietary Private Security Officer	Active	7,151	6,046	6,413	7,896
	Out of State	59	50	31	36
	Out of Country	0	1	1	1
	Delinquent/Expired	332	400	115	165
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	181	180	196	223
Repossessio n Agency	Active	268	254	225	214
	Out of State	18	9	6	6
	Out of Country	0	0	0	0
	Delinquent/Expired	96	104	144	162
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	8	25	25	27
Repossessio n Employee	Active	696	552	454	438
	Out of State	21	12	11	13
	Out of Country	0	0	0	0
	Delinquent/Expired	41	26	28	20
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	120	155	179	205
Repossessio n Qualified Manager	Active	264	256	240	222
	Out of State	15	10	6	7
	Out of Country	0	0	0	0
	Delinquent/Expired	68	69	64	80
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	5	3	7	6
Security Guard	Active ¹	292,883	297,396	301,440	312,743
	Out of State	4,304	4,439	3,086	3,327
	Out of Country	2	2	1	1
	Delinquent/Expired	9,546	5,529	6,529	10,007
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other ²	18,143	18,357	19,908	20,824
Training Facility Baton	Active	164	164	168	156
	Out of State	1	1	1	1
	Out of Country	0	0	0	0
	Delinquent/Expired	3	3	3	1
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	2	2	2	2

¹ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

² Other is defined as a status type that does not allow practice in California, other than retired or inactive.

		FY 19/20	FY 20/21	FY 21/22	FY 22/23
Training Facility Firearm	Active	336	333	342	320
	Out of State	5	4	1	2
	Out of Country	0	0	0	0
	Delinquent/Expired	3	3	3	1
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	4	5	5	6
Training Instructor Baton	Active	199	202	198	203
	Out of State	5	5	1	4
	Out of Country	0	0	0	0
	Delinquent/Expired	2	2	2	3
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	1	1	1	1
	Other	5	5	5	5
Training Instructor Firearm	Active	611	612	617	614
	Out of State	25	20	8	15
	Out of Country	0	0	0	0
	Delinquent/Expired	3	2	2	2
	Retired Status <i>if applicable</i>	0	0	0	0
	Inactive	0	0	0	0
	Other	10	10	10	10
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.					

Table 7a. Licensing Data by Type

Application Type		Received	Approved /Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Alarm Company										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	120	47	76	116	-	-	N/A	78	N/A
	(Renewal)	939	833	N/A	628	-	-	7	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	110	46	73	113	-	-	5	163	N/A
	(Renewal)	900	795	N/A	495	-	-	10	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	156	46	87	143	-	-	6	83	N/A
	(Renewal)	989	726	N/A	667	-	-	6	N/A	N/A

Application Type		Received	Approved /Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Alarm Company Branch										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	40	33	16	15	-	-	22	84	N/A
	(Renewal)	105	93	N/A	76	-	-	2	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	21	13	12	10	-	-	14	107	N/A
	(Renewal)	145	124	N/A	70	-	-	2	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	13	12	8	3	-	-	10	77	N/A
	(Renewal)	157	99	N/A	112	-	-	4	N/A	N/A
Application Type		Received	Approved /Issued	Closed				Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Alarm Employee										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	4,640	4,064	417	1,014	-	-	32	167	N/A
	(Renewal)	8,794	4,195	N/A	3,246	-	-	2	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	4,031	3,659	490	846	-	-	27	77	N/A
	(Renewal)	7,502	3,636	N/A	1,583	-	-	2	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	3,698	3,260	493	747	-	-	24	122	N/A
	(Renewal)	9,831	3,988	N/A	3,169	-	-	1	N/A	N/A
Application Type		Received	Approved /Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Alarm Qualified Manager										
FY 2020/21	(Exam)	112	56	41	68	N/A	N/A	49	98	N/A
	(License)	56	45	19	37	N/A	N/A	N/A	191	N/A
	(Renewal)	916	824	N/A	617	N/A	N/A	5	N/A	N/A
FY 2021/22	(Exam)	89	60	43	52	N/A	N/A	43	119	N/A
	(License)	59	34	24	38	N/A	N/A	1	203	N/A
	(Renewal)	970	856	N/A	482	N/A	N/A	6	N/A	N/A
FY 2022/23	(Exam)	121	71	35	52	N/A	N/A	49	169	N/A
	(License)	72	47	23	40	N/A	N/A	56	110	N/A
	(Renewal)	1,042	759	N/A	659	N/A	N/A	3	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Baton Permit										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	2,947	3,411	137	2,449	-	-	115	187	N/A
	(Renewal)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	4,476	4,436	171	1,663	-	-	131	184	N/A
	(Renewal)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	3,735	3,697	18	436	-	-	387	N/A	N/A
	(Renewal)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Firearm Permit										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	12,694	7,666	3,267	9,512	-	-	135	203	N/A
	(Renewal)	17,113	14,426	N/A	6,548	-	-	41	77	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	10,284	7,581	6,032	5,160	-	-	106	107	N/A
	(Renewal)	18,775	13,881	N/A	6,087	-	-	25	45	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	8,830	7,522	3,625	2,596	-	-	52	86	N/A
	(Renewal)	21,357	13,467	N/A	7,939	-	-	21	35	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Locksmith Company										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	266	169	49	156	-	-	3	103	N/A
	(Renewal)	1,139	954	N/A	1,555	-	-	6	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	262	184	73	160	-	-	42	125	N/A
	(Renewal)	1,081	906	N/A	1,106	-	-	6	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	290	227	87	134	-	-	27	137	N/A
	(Renewal)	1,314	901	N/A	1,030	-	-	5	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Locksmith Company Branch										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	23	17	2	6	-	-	15	41	N/A
	(Renewal)	23	12	N/A	34	-	-	4	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	8	5	4	4	-	-	40	91	N/A
	(Renewal)	25	19	N/A	27	-	-	3	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	6	6	1	3	-	-	29	87	N/A
	(Renewal)	44	15	N/A	53	-	-	4	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Locksmith Employee										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	293	224	65	114	-	-	47	111	N/A
	(Renewal)	1,183	837	N/A	284	-	-	2	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	275	226	66	88	-	-	43	56	N/A
	(Renewal)	912	632	N/A	121	-	-	3	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	330	270	52	94	-	-	30	50	N/A
	(Renewal)	1,195	684	N/A	391	-	-	2	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Private Investigator										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	344	212	224	323	-	-	1	71	N/A
	(Renewal)	4,289	3,604	N/A	2,837	-	-	7	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	326	139	232	279	-	-	31	91	N/A
	(Renewal)	4,163	3,469	N/A	2,659	-	-	6	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	387	196	127	341	-	-	32	65	N/A
	(Renewal)	4,383	3,275	N/A	3,223	-	-	5	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Private Investigator Branch										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	31	31	11	4	-	-	66	38	N/A
	(Renewal)	75	61	N/A	101	-	-	3	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	27	15	3	13	-	-	20	75	N/A
	(Renewal)	74	53	N/A	101	-	-	4	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	19	10	15	6	-	-	24	248	N/A
	(Renewal)	107	76	N/A	107	-	-	7	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Private Patrol Operator										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	658	294	342	598	-	-	1	86	N/A
	(Renewal)	1,227	1,158	N/A	699	-	-	11	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	688	301	249	661	-	-	78	84	N/A
	(Renewal)	1,262	1,182	N/A	546	-	-	9	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	765	333	351	739	-	-	64	85	N/A
	(Renewal)	1,570	1,218	N/A	805	-	-	6	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Private Patrol Operator Branch										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	96	77	39	24	-	-	1	55	N/A
	(Renewal)	199	153	N/A	156	-	-	3	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	122	78	39	29	-	-	18	54	N/A
	(Renewal)	140	117	N/A	134	-	-	17	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	145	72	69	33	-	-	16	35	N/A
	(Renewal)	254	172	N/A	179	-	-	3	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Proprietary Private Security Employer										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	145	48	62	101	-	-	1	45	N/A
	(Renewal)	372	256	N/A	97	-	-	5	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	241	112	98	130	-	-	6	41	N/A
	(Renewal)	266	198	N/A	57	-	-	5	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	220	89	120	140	-	-	5	45	N/A
	(Renewal)	379	256	N/A	99	-	-	4	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Proprietary Private Security Officer										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	1,916	1,183	630	1,007	-	-	41	163	N/A
	(Renewal)	3,945	1,500	N/A	1,543	-	-	5	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	3,188	2,340	681	1,135	-	-	32	107	N/A
	(Renewal)	2,716	1,379	N/A	418	-	-	5	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	3,776	2,740	738	1,393	-	-	32	93	N/A
	(Renewal)	3,412	1,375	N/A	1,409	-	-	2	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Repossession Agency										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	42	36	7	12	-	-	1	50	N/A
	(Renewal)	124	104	N/A	135	-	-	4	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	30	13	8	20	-	-	N/A	91	N/A
	(Renewal)	151	108	N/A	155	-	-	7	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	26	12	14	20	-	-	1	113	N/A
	(Renewal)	152	103	N/A	212	-	-	4	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Repossession Employee										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	127	98	55	55	-	-	32	133	N/A
	(Renewal)	368	200	N/A	89	-	-	2	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	126	103	32	41	-	-	10	53	N/A
	(Renewal)	311	188	N/A	63	-	-	2	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	193	150	26	54	-	-	7	36	N/A
	(Renewal)	276	154	N/A	84	-	-	3	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Repossession Qualified Manager										
FY 2020/21	(Exam)	51	10	31	41	-	-	1	83	N/A
	(License)	10	7	1	4	-	-	1	124	N/A
	(Renewal)	152	140	N/A	88	-	-	3	N/A	N/A
FY 2021/22	(Exam)	35	9	38	29	-	-	N/A	65	N/A
	(License)	9	4	3	6	-	-	56	178	N/A
	(Renewal)	132	107	N/A	81	-	-	2	N/A	N/A
FY 2022/23	(Exam)	45	13	31	30	-	-	6	29	N/A
	(License)	13	6	5	8	-	-	36	131	N/A
	(Renewal)	158	119	N/A	107	-	-	6	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Security Guard										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	65,176	57,818	5,307	10,944	-	-	21	126	N/A
	(Renewal)	146,753	89,518	N/A	44,292	-	-	3	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	75,441	65,586	5,923	12,318	-	-	19	86	N/A
	(Renewal)	137,523	85,081	N/A	30,450	-	-	3	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	81,999	70,910	6,130	14,784	-	-	18	73	N/A
	(Renewal)	174,185	92,679	N/A	56,474	-	-	3	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Training Facility Baton										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	22	14	7	13	-	-	1	133	N/A
	(Renewal)	90	66	N/A	19	-	-	2	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	26	15	8	16	-	-	N/A	118	N/A
	(Renewal)	77	62	N/A	12	-	-	2	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	24	9	8	23	-	-	4	118	N/A
	(Renewal)	87	69	N/A	18	-	-	28	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Training Facility Firearm										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	35	28	17	23	-	-	1	148	N/A
	(Renewal)	173	140	N/A	36	-	-	2	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	32	25	11	20	-	-	N/A	109	N/A
	(Renewal)	165	139	N/A	22	-	-	2	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	30	16	10	23	-	-	1	120	N/A
	(Renewal)	194	146	N/A	37	-	-	14	N/A	N/A
Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Training Instructor Baton										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	27	19	10	16	-	-	1	106	N/A
	(Renewal)	92	77	N/A	18	-	-	1	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	36	14	12	26	-	-	5	73	N/A
	(Renewal)	104	87	N/A	9	-	-	10	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	28	21	14	19	-	-	3	88	N/A
	(Renewal)	105	76	N/A	25	-	-	2	N/A	N/A

Application Type		Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Bureau control)*	Incomplete (outside Bureau control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
Training Instructor Firearm										
FY 2020/21	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	73	43	19	43	-	-	1	122	N/A
	(Renewal)	287	237	N/A	48	-	-	1	N/A	N/A
FY 2021/22	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	74	53	27	37	-	-	5	71	N/A
	(Renewal)	318	262	N/A	34	-	-	2	N/A	N/A
FY 2022/23	(Exam)	N/A	N/A	N/A	N/A	-	-	N/A	N/A	N/A
	(License)	73	49	29	32	-	-	5	52	N/A
	(Renewal)	312	241	N/A	68	-	-	2	N/A	N/A
* Optional. List if tracked by the Bureau.										

Table 7b. License Denial			
	FY 2020/21	FY 2021/22	FY 2022/23
License Applications Denied (no hearing requested)	3,758	3,587	2,707
SOIs Filed	398	183	22 ³
Average Days to File SOI (from request for hearing to SOI filed)	135	366	372
SOIs Declined	2	2	3
SOIs Withdrawn	195	141	12
SOIs Dismissed (license granted)	3	2	1
License Issued with Probation / Probationary License Issued	12	2	21
Average Days to Complete (from SOI filing to outcome)	60	45	100

Application Verification

All applicants, with the exception of proprietary private security employers, must submit fingerprints to the DOJ and FBI for a criminal background check. In addition, Bureau staff who process company applications, including for firearms training facilities and instructors, check the BreEZe enforcement information for prior accusations and revocations associated with training instructors and individuals who will serve as principals on a company license or training facility certificate. Given the volume of registration and firearms permit applications, the Bureau relies on BreEZe alerts placed by Bureau enforcement staff if the individual had disciplinary actions taken on a prior license for a serious act(s) or violation(s).

The Bureau has not denied a license based on the applicant's failure to respond affirmatively to the application question about having ever been convicted of a crime. Based upon AB 2138 (Chiu, Chapter 995, Statutes of 2018) the Bureau does not ask this question on the application.

³ The number of SOIs decreased because of SB 607 (Min, Chapter 367, Statutes of 2021), which changed the requirements for firearm permit applicants taking the firearm assessment. Applicants now have to pass the firearm assessment before applying for a firearms permit. Prior to SB 607, applicants who failed the firearms assessment were denied a firearms permit and had the right to appeal the denial to an Administrative Law Judge (ALJ), which led to a drastic increase in statements of issues (SOI) filed by the Bureau.

Fingerprints

All applicants, except for proprietary private security employers, are fingerprinted. The law does not provide the Bureau the authority to require proprietary private security employers to be fingerprinted. All current licensees, except for proprietary private security employers, have been fingerprinted.

National Database

There is no national database for disciplinary actions for the industries under the Bureau's purview.

Primary Source Documentation

All Bureau Applications: DOJ/FBI criminal offender record information directly from DOJ is required.

Firearms Permit Applications: Notification from the DOJ Bureau of Firearms on whether the applicant is or is not prohibited from possessing a firearm is required. Additionally, the Bureau requires notification from the firearm assessment vendor that the applicant has passed the mandatory firearm assessment.

Baton Permit: The applicant must be listed on the course roster that a baton training facility submits to the Bureau. (Note: The actual permit is issued to the individual by the baton training instructor and the facility submits the course rosters to the Bureau. Beginning January 1, 2024, baton permits will be issued by the Bureau directly to applicants per AB 2515.)

Qualified Manager Certificates: Applicant's applying for a Qualified Manager Certificate must take and pass a licensing examination administered by the testing vendor. The testing vendor notifies the Bureau electronically of the applicant's examination score.

Out-of-State and Out-of-Country Applicants

The Private Investigator Act authorizes a private investigator licensed in another state to continue the investigation in California for no more than 60 days from the date the investigation originated in the other state. The Bureau has reciprocity agreements with Florida, Georgia, Louisiana, North Carolina, and Oregon. The Private Investigator Act is the only practice act within the Bureau's jurisdiction that authorizes reciprocity with other states.

Effective July 1, 2023, temporary California licenses are being issued to all out-of-state applicants who have a current license within another state if they are married or are in a domestic partnership with an active-duty member of the military pursuant to Business and Professions Code section 115.6. The process includes applying via mail by filling out the Application for Temporary Licenses for Military Spouses and Partners for an employee for an individual license, as this does not apply to business licenses. The applicant needs to include verification documents showing proof of being married or in a domestic partnership with an active-duty military member. The application also must include verification documents of the applicant holding an active license out of state. The applicant will also have to pass a criminal background check. The license will expire in 12 months and will not be available for renewal.

Military Applicants

All company license, registration, certification, and firearm permit applications contain the required language to inquire whether an applicant is currently, or has ever served, in the military. The Bureau accepts military experience to satisfy specified experience required for licensure (see below). The Bureau does not track the number of applicants who have applied for licensure using military training or experience to satisfy licensure requirements. However, when an applicant seeks to use their military experience/training, the Bureau verifies it as part of the determination process to ensure it satisfies the statutory experience/training requirements for the applicable license type.

The Bureau has not made any regulatory changes relating to Business and Profession Code section 35 during the last five years. The Bureau has statutory authority to recognize military experience from applicants to determine if their experience meets various licensure requirements. However, meeting the experience requirements does not provide an exemption from the examination requirement, when applicable.

From fiscal year 2019-20 through fiscal year 2022-23, the Bureau has not waived fees or requirements pursuant to Business and Professions Code section 114.3. The Bureau did not receive any applications that were eligible for fee waivers under this section.

The Bureau has not received any applications meeting the requirements of Business and Professions Code section 115.5, as such, it has not expedited any applications.

No Longer Interested Notifications

The Bureau now sends No Longer Interested notifications to DOJ electronically on a regular and ongoing basis. In previous years, given the high number of Bureau licensees, the transient nature of the individuals dropping in and out of licensure, and the lag time for the DOJ to process paper No Longer Interested requests, the Bureau determined the potential of having the DOJ process a No Longer Interested request after the person obtained a new license – which would result in the Bureau not receiving subsequent arrest/conviction information – creates a significant gap in public safety and consumer protection. The Bureau carries out these activities judiciously and sends No Longer Interested notifications when it ascertains with a high degree of certainty that an individual is no longer eligible to renew or reinstate their license. Therefore, there is no backlog in the process.

Examinations

Table 8. Examination Data					
California Examination (include multiple language) if any					
License Type	Repossession Agency	Private Investigator	Alarm Company Operator	Private Patrol Operator	Firearms
Exam Title	Repossession Agency Qualified Manager Exam	Private Investigator Qualified	Alarm Company Operator Qualified	Private Patrol Operator Qualified	Assessment

			Manager Exam	Manager Exam	Manager Exam	
FY 2019/20	Number of Candidates	3	323	42	411	6354
	Overall Pass %	67%	72%	86%	47%	86%
	Overall Fail %	33%	28%	14%	53%	14%
	Total Pass	2	234	36	193	5434
	First Time Pass	2	198	31	128	5433
	Retake Pass	0	36	5	65	1
FY 2020/21	Number of Candidates	8	274	67	475	8904
	Overall Pass %	75%	61%	64%	47%	86%
	Overall Fail %	25%	39%	36%	53%	14%
	Total Pass	6	168	43	222	7,550
	First Time Pass	5	151	29	149	7622
	Retake Pass	1	17	14	73	3
FY 2021/22	Number of Candidates	6	212	84	512	9,863
	Overall Pass %	67%	62%	38%	42%	92%
	Overall Fail %	33%	38%	62%	58%	8%
	Total Pass	4	131	32	214	9711
	First Time Pass	3	105	16	129	9653
	Retake Pass	1	26	16	85	58
FY 2022/23	Number of Candidates	16	273	84	596	11651
	Overall Pass %	44%	63%	49%	49%	86%
	Overall Fail %	56%	37%	51%	51%	14%
	Total Pass	7	173	41	295	10043
	First Time Pass	5	140	25	198	9885
	Retake Pass	2	33	16	97	158
	Total number of pass (all 4 FY)	19	706	152	924	32813
	Total number of first time pass (all 4 FY)	15	594	101	604	32593

	Total number of retake pass (all 4 FY)	4	112	51	320	220
	First Time Pass % (all 4 FY)	79%	84%	66%	65%	99%
	Retake Pass % (all 4 FY)	21%	16%	34%	35%	1%
Date of Last OA		2017	2022	2023	2021	N/A
Name of OA Developer		Office of Professional and Examination Services	Office of Professional and Examination Services	Office of Professional and Examination Services	Office of Professional and Examination Services	Psychological Services Industry
Target OA Date		2024	2027	2028	2026	N/A

Examinations

The Bureau does not use a national examination, but requires a California-specific examination, developed by the Department's Office of Professional Examination Services (OPES), for licensure as an alarm company operator, private patrol operator, private investigator, or repossession agency. Specifically, the qualified manager, who is the individual responsible for managing the day-to-day activities of the business for a licensee, must pass an exam for each of these license types. Below is a description of each examination:

- The Alarm Company Operator Qualified Manager examination consists of 100 multiple-choice questions focused on performing consultations, installations, service and repairs, management, monitoring, and false alarms.
- The Private Patrol Operator Qualified Manager examination consists of 100 multiple-choice questions focused on performing security services, management of records, employees, legal requirements, business administration, supervision, service agreements, screening, and training.
- The Private Investigator Qualified Manager examination consists of 150 multiple-choice questions focused on performing planning, information gathering, surveillance, analysis, reporting, trial preparation, and ethics.
- The Repossession Agency Qualified Manager examination consists of 100 multiple-choice questions focused on performing management duties, processing reports, release and disposal, and the statutory and regulatory requirements when carrying out repossession activities.

The following license types are subject to non-OPES related examination requirements:

- Security Guard Registration: Completion of the Bureau's Power to Arrest Training and passage of the Bureau's Power to Arrest Examination is a condition for issuance of a guard registration.
- Alarm Agent Registration: Alarm agents must complete the Bureau's Power to Arrest Training and pass the Bureau's Power to Arrest Examination if their duties involve responding to triggered alarm systems. The training must be completed prior to the alarm company operator employer assigning the agent to the duty of responding to an alarm system.
- Firearms Permit: Passage of the Bureau's Firearms Written Examination with a score of 85 percent or greater is a condition for the initial issuance and renewal of a firearms permit. Additionally, applicants must take and pass an assessment to demonstrate that they are capable, at the time the assessment is completed, of demonstrating appropriate judgment, restraint, and self-control for the purpose of carrying and using a firearm when performing security guard duties. The specific assessment to be completed is the 16 Personality Factor Questionnaire, which is a personality test used in various settings including employers of protective services personnel (e.g., police officers, firefighters, and security guards). However, scoring standards were established specific to the requirements specified in Business and Professions Code Section 7583.47.

All examinations (OPES and non-OPES) are only offered in English.

Pass Rates

Repossession Agency

A 2017 exam version was administered for the past four years. The average passage rate for first time exam takers is 79% with an overall passage rate of 57%. The Qualified Manager Examination is only offered in English. The Repossession Agency Occupational Analysis is scheduled to commence in 2024 as it had been delayed due to lack of industry participation.

Private Investigator

A 2022 exam is currently being administered. The average passage rate for first time test takers is 84% with an overall passage rate of 65%. The Qualified Manager Examination is only offered in English.

Private Patrol Operator

A 2021 examination is currently being administered. The average passage rate for first time test takers was 65% with an overall passage rate of 46%. The Qualified Manager Examination is only offered in English.

Alarm Company Operator

A 2017 exam was administered all four years. The Alarm Company Operator Occupational Analysis was completed in 2023 and the new examination will be implemented FY 2023-24. The average passage rate for first time test takers was 66% with an overall passage rate of 55%. The Qualified Manager Examination is only offered in English.

Firearms Assessment

Security guard registrants seeking a firearms permit must complete an assessment to demonstrate that they possess, at the time of completing the assessment, appropriate judgment, restraint and self-control to carry and use a firearm while performing armed security guard services. The average passage rate for first time assessment takers is 99% and the overall average passage rate for the firearm assessment is 86%.

Computer-Based Testing

Qualified Manager Exams

The Bureau contracts with a private testing service, Psychology Services LLC, to administer computer-based examinations with paper and pencil, available to those candidates who require special accommodations.

The Bureau notifies Psychology Services LLC of the qualified manager applicant's eligibility to sit for the respective examination. Psychology Services LLC mails the applicant the applicable study materials and advises them on the process for scheduling the exam. Examination candidates may use Psychology Services LLC online registration and scheduling feature or call a toll-free number to schedule their test. Psychology Services LLC has 17 California-based and 22 out-of-state testing sites where qualified manager examinations are administered. Each test site employs proctors for the examinations and provides candidates a designated space with a computer terminal to take their test. Psychology Services LLC offers testing six days a week (Monday–Saturday), year-round, except on major holidays.

If a candidate fails the examination, he or she is eligible to take the exam again upon payment of the re-examination fee to the Bureau. If a qualified manager applicant fails to pass the exam within one-year of being deemed eligible to take it, the application is abandoned by operation of law, and the individual must submit a new application.

Firearms Assessment

The Bureau contracted with Psychology Services LLC to administer the firearms assessment. Psychology Services LLC has 23 California test sites where the assessment is administered. Each test site employs proctors for the exam and provides candidates a designated space with a computer terminal to take their test. Psychology Services LLC offers testing six days a week (Monday–Saturday), year-round, except on major holidays.

Application Processing Barriers

Current law (Business and Professions Code Sections 7583.25 and 7596.81) requires that a firearms permit cannot be renewed until the Bureau receives notification from the DOJ that the permitholder is not prohibited from possessing a firearm. The permitholder completes and submits a DOJ Firearms Qualification Applicant Form with the Bureau's Firearms Permit Renewal Application. Bureau staff forwards the Firearms Qualification Applicant Form via U.S. Mail to the DOJ to research whether the permitholder has undergone a triggering event in another state, or due to federal law, that would prohibit them from possessing a firearm. The law requires the DOJ to provide the Bureau a response within 30 days of receipt. However, this turnaround time often is not feasible.

Operationally, the Bureau automatically receives notification from the DOJ any time a permitholder

is determined to be prohibited from possessing a firearm. Accordingly, the Firearms Qualification Applicant Form renewal requirement is not the only means by which the Bureau is made aware of a firearms prohibition on a permitholder.

The Bureau believes continuing to require the firearms permit renewal applicant to complete and submit a DOJ Firearms Qualified Application form is needed to promote public safety but would be open to exploring with the Committees whether the actual renewal of the permit should be held up pending the DOJ response. It should be noted that if the permit is renewed and the DOJ notifies the Bureau that the permitholder has a firearms prohibition, the Bureau has statutory authority to automatically revoke the firearms permit.

Occupational Analysis

Business and Professions Code section 139 mandates that licensure examinations be developed based on an occupational analysis conducted approximately every 5 years, and that examinations be regularly evaluated for validity and fairness. The Bureau works with the Department's OPES and industry members to routinely update examinations to account for changes in law, regulations, or professional standards.

- Business and Professions Code section 7599 requires applicants to pass the Alarm Company Operator Qualified Manager Examination to be the Qualified Manager of the license. The Alarm Company Operator Occupational Analysis was last conducted in 2023.
- Business and Professions Code sections 7541 and 7541.1 requires applicants to pass the Private Investigator Qualified Manager Examination to be the Qualified Manager for the license. The Private Investigator Occupational Analysis was last conducted in 2022.
- Business and Professions Code sections 7582.9, 7582.10 and 7583.1 requires applicants to pass the Private Patrol Operator Qualified Manager Examination to be the Qualified Manager of the license. The Private Patrol Operator Occupational Analysis was last conducted in 2021.
- Business and Professions Code section 7504 requires applicants to pass the Repossession Agency Qualified Manager Examination to be the Qualified Manager for the license. The Repossession Agency Occupational Analysis was last conducted in 2017 and is scheduled for its next occupational analysis in 2024. Historically, it has been challenging to recruit enough industry professionals to conduct the Repossession Agency Occupational Analysis as Repossession Agency licensees and Qualified Managers are one of the smallest industry populations the Bureau has.

School Approvals

The Bureau certifies firearm and baton training facilities, which may include a school. Additionally, the Bureau approves organizations and schools to provide security guard skills training, Security Officer Skills Training Providers – Proprietary Security Services Officer. Business and Professions Code section 7574.18 specifies that the security officer skills training that a proprietary private security officer must complete may be administered by any proprietary private security employer, organization, or school approved by the Bureau. A proprietary private security employer, organization, or school that wants to provide the training must submit a letter to the Bureau with a request to this effect. The letter must include the name of the proprietary private

security employer, organization, or school; a brief explanation as to why it would like to be a training provider; the location where the training will take place; the location where all training records will be maintained; and the names and resumes for all related instructors. The Bureau's process for reviewing an application for a proprietary private security employer includes ensuring it is currently registered with the Bureau and a responsible person is designated on the application. The Bureau's process for reviewing an organization or school application includes a general internet search on the entity. For school applicants, the Bureau checks for Bureau of Private Postsecondary Education (BPPE) licensure or accreditation through the Accrediting Commission for Schools Western Association of Schools and Colleges (ACS WASC) or other accreditation sites depending on the kind of school.

Security Officer Skills Training Facilities – Security Guards

Business and Professions Code section 7583.6 specifies that the training a security guard must complete may be administered by any private patrol operator, or by any organization or school approved by the Bureau. A private patrol operator may provide the required training to its own security guard employees without having to be approved by the Bureau. Bureau firearm and baton training facilities may also provide the required training without the additional approval specified in Section 7583.6. An organization or school seeking to provide the training must submit a letter to the Bureau with a request to this effect. The letter must include the name of the organization or school, a brief explanation as to why it would like to be a training provider, the location where the training will take place, the location where all training certification records will be maintained, and the names and resumes for all related instructors. The Bureau's process for reviewing an organization or school application includes a general internet search on the entity. For school applicants, the Bureau checks for BPPE licensure or accreditation through the ACS WASC or other accreditation sites depending on the kind of school. The Bureau's approval is contingent on whether the school is in compliance, and in good standing, with any licensure or accreditation requirements.

Firearm Training Facilities

Business and Professions Code section 7585.3 specifies that any institution, firm, or individual seeking the Bureau's certification as a firearms training facility must complete an application that includes: the name and location of the entity; the places, days, and times the course will be offered; an estimate of the minimum and maximum class size; the location and description of the range facilities; and the names and certificate numbers of Bureau certified firearms training instructors who will teach the course. In addition, each owner or principal of the training facility business must complete a Bureau personal identification application form, pay the specified certification fee, and submit fingerprints. Pursuant to Business and Professions Code sections 7585 and 7585.6, the initial and continued education firearms training course offered by a Bureau-certified firearms training facility must comply with the content and format specified in the Bureau's Firearms Training Manual. However, the firearm training facility is not required to provide its specific course materials to the Bureau for approval.

Baton Training Facilities

Business and Professions Code section 7585.11 specifies that any institution, firm, or individual seeking the Bureau's certification as a baton training facility shall complete an application that includes: the name and location of the institution, firm or individual; the places, days, and times the course will be offered; an estimate of the minimum and maximum class size; the location and description of the facilities; and the names and certificate numbers of Bureau-certified baton training instructors who will teach the course. In addition, each owner or principal of the training facility business must complete a personal identification application form, pay the specified

certification fee, and submit fingerprints. Pursuant to Business and Professions Code sections 7585.9 and 7585.13, the baton training course offered by a Bureau certified baton training facility must comply with the content and format specified in the Bureau's Baton Training Manual. However, the baton training facility is not required to provide its specific course materials to the Bureau for approval.

Bureau for Private Postsecondary Education (BPPE)

A bureau-certified firearm or baton training facility, or bureau-approved school that provides training to proprietary private security officers or security guards does not need to be approved by BPPE in order to obtain the Bureau's certification or approval, unless BPPE's law requires that they be approved. The Bureau posts on its website FAQs advising bureau-certified firearm and baton training facilities that they may be required to seek approval to operate from BPPE pursuant to California Education Code section 94874(f), if one of the following conditions apply: 1) Students who receive their training using state or federal student and veterans financial aid programs to pay for it or; 2) Total charges for any set of training courses they provide exceed \$2,500.

Approved Schools

The Bureau regulates firearms training facilities and baton training facilities that administer the training for a Bureau baton permit or firearms permit. The Proprietary Security Services Act specifies that the training a proprietary private security officer must complete may be administered by a proprietary private security employer, organization, or school approved by the Bureau. The Private Security Services Act specifies that the training a security guard must complete may be administered by any private patrol operator licensee or an organization or school approved by the Bureau. The law does not require a private patrol operator to notify the Bureau if it is providing the security guard training to its employees nor to monitor the background/education of the individuals designated by the private patrol operators to provide training.

The following are the number of proprietary private security officers and security guard approved trainers, and the number of certified firearm and baton training facilities as of June 30, 2023:

Proprietary Private Security Officer Approved Trainers

Schools/Colleges	5
Proprietary Private Security Employers/Organizations	132

Note: The Bureau does not separately track proprietary private security employer registrants and organizations providing proprietary private security officer skills training.

Security Guard Training

Schools/Colleges	127
Organizations	201

Note: The Bureau does not separately track private patrol operator licensees and organizations providing security guard skills training.

Baton Training Facilities	156
Firearms Training Facilities	320

There is no statutory requirement for the Bureau to inspect the approved schools or organizations providing the proprietary private security officer training or security guard training, or baton training facilities; however, they may be inspected as part of an investigation. Also, there is not a statutory requirement for the Bureau to inspect a private patrol operator licensee. However, the Bureau

routinely conducts random compliance inspections as well as inspects them as part of investigations. The Bureau is statutorily mandated to inspect a firearms training facility within 120 days of initial certification and to maintain a program of random and targeted inspections. The Bureau has the statutory authority to suspend or revoke a firearm/baton training school's certification and a private patrol operator license for violations of the law. Also, the Bureau has the ability to cancel the approval of an approved trainer.

International Schools

The Bureau does not review or approve international schools.

Continuing Education/Competency Requirements

The Bureau has added continuing education (CE) requirements to the baton permit since the last sunset review. Except for the license types listed below, Bureau licensees are not required to complete CE.

Proprietary Security Services Officer Registrants

A proprietary private security officer must complete 16 hours of security officer skills training within six months of being registered and commencing employment. A private security employer must provide its proprietary private security officers two hours of annual CE in proprietary security guard skills training. Bureau regulations detail the courses for the 16-hour training. The annual CE may repeat any of the courses relating to the 16-hour training or involve other applicable security officer training. The training may be administered by the proprietary private security employer or by a Bureau-approved school or organization and the entity that provides the training is required to issue a certificate of completion to the proprietary private security officer.

Security Guard Registrants

A security guard registrant must complete 32 hours of security guard training within six months of being registered. A private patrol operator (PPO) must provide its security guard employees eight hours of training on security officer skills annually. Bureau regulations detail mandatory and elective courses that may be completed for the 32-hour training. The annual CE may repeat any of the courses relating to the 32-hour training or involve other applicable security guard training. The training may be administered by the PPO or by a Bureau-approved school or organization and the entity providing the training is required to issue a certificate of completion to the security guard.

Firearms Permit Renewal

To renew a firearms permit the holder must complete four range qualifications as follows: two range qualifications during each 12-month period of the permit's two-year term with no two range qualifications completed closer than four months apart. In addition, during each qualification the permitholder must complete a two-hour course on use of force and de-escalation of force with passage of the same written examination required for the initial permit required during one of the qualification sessions.

Baton Permit Renewal

To renew a baton permit, the holder must complete the baton training course specified in Business and Professions Code section 7585.9 within the six months preceding the month of the permit's expiration.

CE Verification

Proprietary Security Services Officer Registrants: The Proprietary Security Services Act does not require proprietary private security officers to submit proof of CE completion to the Bureau as a

condition of a proprietary private security officer's registration renewal. However, their employers (proprietary private security employers) are required to maintain records verifying completion of the CE training for a minimum of two years and to make those records available for inspection by the Bureau upon request.

Security Guard Registrants: The Private Security Services Act does not require security guards to submit proof of CE completion. However, their employers (Private Patrol Operators) are required to maintain records verifying completion of training for a minimum of two years and to make those records available for inspection by the Bureau upon request. The Act requires a security guard to attest on the registration renewal form that they have completed the 32-hour training required within six months of initial registration. The Act does not authorize the Bureau to require security guard renewal applicants to attest to CE completion on the security guard renewal application.

Firearms Permitholders: The Bureau-certified instructor who administered the re-qualification training is required to sign the permitholder's renewal application attesting that the individual completed the required training and qualified on the range with a minimum score of 80 percent.

Baton Permitholders: The Bureau-certified instructor who administered the baton training course is required to sign the permitholder's renewal application attesting that the individual completed the required training.

The Bureau renews approximately 90,000 security guard and proprietary security officer registrations annually, through an almost entirely automated process with the licensees attesting under penalty of perjury they have fulfilled the CE requirement. It would require significant staff resources to review each renewal application individually to review proof of CE. While there is no legal authority for the Bureau to require security guard and proprietary security services officer registrants to provide proof of CE completion to the Bureau upon renewal, in order to ensure licensees are fulfilling the CE requirements, the Bureau has a random and targeted inspection process for security companies and employers where Bureau staff review employee records including CE. During the inspection process, the Bureau reviews CE and cites those not in compliance.

CE Audits

The Bureau does not conduct CE-specific audits. The law places the duty of a proprietary private security officer registrant or a security guard registrant completing the required CE on the employer. As part of a routine compliance inspection or investigation of a private patrol operator, the Bureau requests training records for its employees. Because the primary functions and duties of proprietary private security employers are essentially outside the Bureau's purview (they are not private security businesses but bars, restaurants, sports and entertainment venues, hotels, etc.), the Proprietary Security Services Act provides few regulatory requirements. Accordingly, the Bureau does not routinely inspect proprietary private security employers. However, if an investigation involves a proprietary private security employer, the Bureau may request training records for its proprietary private security officer employees.

If an inspection or investigation reveals that a private patrol operator or proprietary private security employer is not able to provide training records for its employees, the Bureau's courses of action include a formal letter of education, issuance of a citation and fine, civil penalty in lieu of revocations, and the filing of an accusation to revoke the license.

CE Course Approval

Security Guards and Proprietary Private Security Officers

The Bureau does not approve specific courses but has established training outlines by regulation (Title 16, Division 7, sections 643 and 645) for the respective trainings. The outlines provide both mandatory and elective courses and delineate specific topics to be included in each course.

Firearm Training

Business and Professions Code section 7585 prescribes the general subject areas and activities for the training required to obtain a Bureau firearm permit. Bureau regulations provide a course outline of the specific subjects and activities that must be covered in the training course to obtain and renew a Bureau firearm permit (Title 16, Division 7, sections 633 and 635). The Bureau's *Firearms Training Manual* details the specific course content for the training required to obtain and renew a Bureau firearm permit. All Bureau-certified firearm training instructors must carry out the training to obtain and renew a Bureau firearm permit in accordance with the Manual's instructions and content.

Baton Training

Business and Professions Code section 7585.9 prescribes the general subject areas and activities for the training required to obtain a Bureau baton permit. The Bureau's *Baton Training Manual* details the specific course content for the training required to obtain a Bureau baton permit. All Bureau-certified baton training instructors must carry out the training in accordance with the *Manual's* instructions and content.

CE Provider and Course Approval

See above for the Bureau's approval process for entities seeking to provide continuing security officer skills training to security guards and proprietary security services officers, as well as the certification of firearms/baton training facilities and firearms/baton training instructors.

The Bureau does not approve CE courses for security guards and proprietary security services officers. Bureau regulations outline the general course subject areas. The training required to renew a Bureau firearms permit must comply with the re-qualification training specified in Bureau regulations and the Bureau *Firearms Training Manual*. The training required to renew a Bureau baton permit must comply with the training delineated in the Bureau's *Baton Training Manual*.

Approved CE Providers and Courses

	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Guard Trainers Received	11	6	28	10
Guard Trainers Approved	11	5	28	10
PPSO Trainers Received	2	3	1	4
PPSO Trainers Approved	2	3	1	4
Firearms Training Facility Received	34	37	32	30
Firearms Training Facility Approved	17	27	25	16

Firearms Training Instructor Received	62	73	74	73
Firearms Training Instructor Approved	47	43	53	49
Baton Training Facility Received	13	23	26	24
Baton Training Facility Approved	13	14	15	9
Baton Training Instructor Received	27	27	36	28
Baton Training Instructor Approved	18	19	14	21

Audits of CE Providers

The Bureau does not conduct routine audits of approved trainers or baton training facilities. However, when carrying out an investigation of an approved trainer or baton training facility, Bureau staff will review training records.

As required by law, the Bureau conducts a compliance inspection of a newly certified firearms training facility within 120 days of initial certification. Thereafter, the Bureau strives to conduct a random compliance inspection of each facility every four years, with follow-ups more frequently if warranted. This inspection rate aligns with two facility inspections monthly.

The Bureau also routinely conducts compliance inspections of private patrol operators. Additionally, the Bureau inspects training records during an investigation, including violent incident reports or firearm discharge reports, relating to training facilities, private patrol operators and proprietary private security employers. The Bureau conducted 953 compliance inspections in the past four fiscal years with 88% being firearms training facilities and private patrol operators.

CE Policy Review

The Bureau has not conducted any review of its CE policy as it relates to the continuing competency of its licensees.

Current law places the responsibility for ensuring that proprietary security services officers and security guards complete their required CE training on their respective employers. Current law precludes the renewal of a firearms permit if the applicant failed to complete the required qualification training. Also, current law precludes the renewal of a baton permit if the applicant failed to complete the required training.

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
Baton Permit	Every 2 Year	Pass required training	N/A

Firearm Permit	Every 2 Year	Pass required training	N/A
Proprietary Private Security Officer	Every 2 Year	4	N/A
Security Guard	Every 2 Year	16	N/A

Section 4 Enforcement Program

Enforcement Performance Targets

The Bureau's enforcement activities include the issuance of administrative citations and fines, civil penalties in lieu of revocation, suspension, and revocation. The Bureau's performance targets and expectations coincide with those standards created under the Department's Consumer Protection Enforcement Initiative (CPEI), as follows:

Intake: Average time to process complaints from receipt to the date the complaint was assigned to an investigator.

Target: 10 days

- a. FY 2020-21 average cycle time: 6 days
- b. FY 2021-22 average cycle time: 2 days
- c. FY 2022-23 average cycle time: 3 days

Intake and Investigation: Average cycle time from complaint receipt to closure of the investigation process. This measurement does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 120 days

- a. FY 2020-21 average cycle time: 115 days
- b. FY 2021-22 average cycle time: 88 days
- c. FY 2022-23 average cycle time: 93 days

Formal Discipline: Average number of days to complete the entire enforcement process for cases resulting in formal discipline (includes intake and investigation by the Bureau and Prosecution by the Attorney General).

Target: 540 days

- a. FY 2020-21 average cycle time: 610 days
- b. FY 2021-22 average cycle time: 601 days
- c. FY 2022-23 average cycle time: 577 days

Probation Intake: Average number of days from Monitor assignment to the date the Monitor makes first contact with the probationer.

Target: 14 days

- a. FY 2020-21 average cycle time: 1 day
- b. FY 2021-22 average cycle time: 1 day
- c. FY 2022-23 average cycle time: 4 days

Probation Violation Response: Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates the appropriate action.

Target: 14 days

- a. FY 2020-21 average cycle time: 1 day
- b. FY 2021-22 average cycle time: 1 day
- c. FY 2022-23 average cycle time: 1 day

The Bureau has taken several steps to improve business operations and meet CPEI goals. In 2016, staff from the Department's Complaint Resolution Program were redirected to BSIS increasing the size of the Bureau's Enforcement Unit. After evaluating business needs and staff resources, the Bureau split the unit in 2019, creating the Complaint Intake/Complaint Resolution Unit under the direction of a Staff Services Manager I. The unit implemented a more robust complaint intake process, which significantly reduced complaint intake times and created a complaint resolution program specific to BSIS. Complaint resolution staff work with consumers and licensees to mediate consumer complaints and make referrals to the Bureau's Enforcement Unit when appropriate.

In addition, management updated and implemented case review procedures for enforcement staff assigned to investigate complaints and scheduled regular one-on-one meetings with staff and management to monitor workload assignments. The Bureau worked with its liaison at the Office of the Attorney General to improve and streamline the case referral process to reduce timelines to initiate formal discipline. These efforts helped reduce overall cycle times and brought the Bureau within the targeted performance measures mandated by CPEI.

Enforcement Trends

The number of complaints received by the Bureau and the number of investigations completed has steadily increased over the past four years. Legislative changes have made positive changes to increase consumer protection, which has also contributed to the increase in complaints. AB 229 (Holden, Chapter 697, Statutes of 2021) expanded incident reporting requirements for private patrol operators and security guards mandating that any use of force incident be reported to the Bureau. Because of the broad nature of this requirement, security guards who worked in hospitals and assisted in patient restraints were required to report each incident to the Bureau. These changes created a significant increase in the number of incident reports submitted to the Bureau throughout fiscal year 2021-22 and fiscal year 2022-23. Incident reports generate complaints, which are investigated by Bureau staff. The Bureau worked with industry members on streamlining receipt of these incident reports to make the process efficient and ensure the increased volume did not create backlogs and impact investigation cycle times.

AB 2515 (Holden, Chapter 287, Statutes of 2022), effective January 1, 2023, created an exemption to the use of force incident reporting requirements for security guards who are involved in patient restraints. While this exemption did lessen the number of incident reports being submitted to the Bureau, the overall number of complaints has remained higher than in previous years because of the expanded reporting requirements. The Bureau successfully submitted budget change proposals to onboard additional staff in enforcement to handle this new workload.

Table 9a. Enforcement Statistics			
	FY 2020/21	FY 2021/22	FY 2022/23
COMPLAINTS			
Intake			
Received	2,822	3,772	3,286
Closed without Referral for Investigation	396	431	556
Referred to INV	2,813	3,342	2,732
Pending (close of FY)	16	28	23
Conviction / Arrest			

CONV Received	20,820	24,335	23,809
CONV Closed Without Referral for Investigation	17,371	19,639	19,769
CONV Referred to INV	3,449	4,696	4,040
CONV Pending (close of FY)	45	57	107
Source of Complaint⁴			
Public	734	819	1,039
Licensee/Professional Groups	154	679	649
Governmental Agencies	3,546	4,734	4,059
Internal	1,659	1,953	1,060
Other	17,305	19,643	19,943
Anonymous	244	279	345
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	6	3	2
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	2	3	4
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	7	3	3
INVESTIGATION			
Desk Investigations			
Opened	5,650	7,249	5,550
Closed	5,218	6,619	6,334
Average days to close (from assignment to investigation closure)	43	62	72
Pending (close of FY)	1,850	2,619	2,076
Non-Sworn Investigation			
Opened	569	778	1,174
Closed	636	648	998
Average days to close (from assignment to investigation closure)	267	179	150
Pending (close of FY)	403	532	707
Sworn Investigation			
Opened	2	6	2
Closed	3	3	4
Average days to close (from assignment to investigation closure)	627	124	424
Pending (close of FY)	5	8	6
All investigations			
Opened	6,262	8,038	6,772
Closed	6,037	7,487	7,369
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	79	84	92
Average days for investigation closures (from start investigation to investigation closure)	84	83	91
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	107	181	262
Average days from receipt of complaint to investigation closure	81	87	93

⁴ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint. This includes subsequent arrest notifications and background checks reported from the Department of Justice.

Pending (close of FY)	2,322	3,248	2,789
CITATION AND FINE			
Citations Issued	108	90	122
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	241	208	265
Amount of Fines Assessed	\$299,900	\$244,500	\$323,800
Amount of Fines Reduced, Withdrawn, Dismissed	\$11,250	\$1,000	\$5,600
Amount Collected	\$90,950	\$79,300	\$130,600
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0
ACCUSATION			
Accusations Filed	40	63	30
Accusations Declined	0	0	0
Accusations Withdrawn	3	1	0
Accusations Dismissed	1	0	4
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	71	66	163
INTERIM ACTION			
ISO & TRO Issued	0	0	3
PC 23 Orders Issued	8	7	5
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	N/A	N/A	N/A
Petition to Compel Examination Ordered	N/A	N/A	N/A
DISCIPLINE			
AG Cases Initiated (cases referred to the AG in that year)	471	253	91 ⁵
FY) AG Cases Pending Pre-Accusation (close of	293	130	117
FY) AG Cases Pending Post-Accusation (close of	71	55	23
DISCIPLINARY OUTCOMES			
Revocation	103	102	69
Surrender	2	0	3
Suspension only	404	812	407
Probation with Suspension	0	0	0
Probation only	16	6	43
Public Reprimand / Public Reproof / Public Letter of Reprimand	0	0	0
Other	5	0	3
DISCIPLINARY ACTIONS			
Proposed Decision	104	90	20
Default Decision	48	60	25
Stipulations	1	3	5
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	424	261	138

⁵ The volume of AG case referrals decreased because of SB 607 (Min, Chapter 367, Statutes of 2021), which changed the requirements for firearm permit applicants taking the firearm assessment. Applicants now have to pass the firearm assessment before applying for a firearms permit. Prior to SB 607, applicants who failed the firearms assessment were denied a firearms permit and had the right to appeal the denial to an ALJ, which led to a drastic increase in SOIs filed by the Bureau. Overall AG case referrals and SOIs have decreased.

Average Days from Closure of Investigation to Imposing Formal Discipline	348	345	383
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	372	378	577
PROBATION			
Probations Completed	9	20	6
Probationers Pending (close of FY)	57	29	45
Probationers Tolloed	N/A	N/A	N/A
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	2	2	3
SUBSEQUENT DISCIPLINE⁶			
Probations Revoked	1	1	2
Probationers License Surrendered	0	0	1
Additional Probation Only	0	0	0
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	0
SUBSTANCE ABUSING LICENSEES			
Probationers Subject to Drug Testing	0	0	0
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
PETITIONS			
Petition for Termination or Modification Granted	0	0	0
Petition for Termination or Modification Denied	0	0	0
Petition for Reinstatement Granted	0	0	2
Petition for Reinstatement Denied	1	0	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

⁶ Do not include these numbers in the Disciplinary Outcomes section above.

Table 10. Enforcement Aging

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	5006	4986	5614	5074	20,680	74%
91 - 180 Days	1087	503	881	1149	3,620	13%
181 - 1 Year	451	272	648	822	2,193	8%
1 - 2 Years	449	208	301	298	1,256	4%
2 - 3 Years	84	62	29	22	197	1%
Over 3 Years	49	6	14	4	73	<1%
Total Investigation Cases Closed	7126	6037	7487	7369	28,019	
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	318	283	236	19	856	61%
1 - 2 Years	70	177	147	60	454	33%
2 - 3 Years	26	22	18	7	73	5%
3 - 4 Years	6	0	5	4	15	1%
Over 4 Years	1	0	0	2	3	<1%
Total Attorney General Cases Closed	421	482	406	92	1401	

Disciplinary Action Trends

SB 1196 (Hill, Chapter 800, Statutes of 2016) mandated that, effective January 1, 2018, all security guards applying for a BSIS Firearms Permit must pass a firearms assessment to be found capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying a firearm during the course of their guard duties. If the applicant failed the assessment, their application for a firearms permit would be denied. Those who had their firearms permit application denied for failing the assessment had the right to appeal the denial thorough the administrative process. From 2018 through 2021, the Bureau had a significant increase in application denials, appeals, referrals to the Office of the Attorney General (OAG), Statement of Issues (SOI) filings, and hearings with the Office of Administrative Hearings (OAH) because of the firearm assessment. For example, the Bureau filed 38 SOIs in FY 2017-18, 321 SOIs in FY 2018-19, 514 SOIs in FY 2019-20, and 398 SOIs in FY 2020-21. This increase in SOIs and hearings had a significant impact on the Bureau's OAG and OAH budget requiring the Bureau to submit a BCP requesting an \$800,000 budget augmentation in FY 2020-21 and FY 2021-22.

SB 607 (Min, Chapter 367, Statutes of 2021) required security guard applicants who wish to apply for a firearm permit to take and pass the firearms assessment prior to applying for the firearms permit and removed the provisions requiring the Bureau to deny the application. This change significantly reduced the number of cases referred to the OAG.

Overall statistics show that disciplinary actions have remained steady since the Bureau's last Sunset Review. The Bureau continues to utilize its automatic suspension authority on those license types for which it has such authority, which significantly reduces the number of administrative filings. The Bureau worked with the OAG to implement strategies that helped reduce the overall average time to impose discipline.

Complaint Prioritization

The Bureau follows the *Complaint Prioritization & Referral Guidelines for DCA Agencies*, which establishes criteria for cases that should be investigated by the Board/Bureau and those that should be referred to the Department's Division of Investigation (DOI). The Bureau prioritizes cases using public and consumer protection as the first and foremost criteria, and those cases with the highest potential for public harm are most expeditiously addressed. The Bureau allocates its resources so cases involving use of force, fraud and dishonesty, unlicensed activities, and illegal or unethical behavior are addressed appropriately and timely. Because of the high volume of unlicensed activity complaints, averaging about 373 per year, the Bureau utilizes the *Guidelines* to assist in triaging complaints to determine which can be investigated by Bureau staff and which should be handled by DOI. The Bureau has two Special Investigators (non-sworn) who actively investigate allegations of unlicensed activity and participate in sweeps with various governmental agencies to combat the underground economy. The most egregious complaints are referred to DOI for investigation.

Mandatory Reporting Requirements

Business and Professions Code section 7583.4 requires a security guard registrant and the employing private patrol operator licensee to file an incident report within seven days of any incident involving the discharge of a firearm while on duty. Business and Professions Code section 7583.2 requires a private patrol operator licensee to file an incident report with the Bureau within seven days anytime a security guard is involved in a physical altercation, under specified conditions, with a member of the public while on duty. Business and Professions Code section 7507.6 requires reposessor agencies to file an incident report with the Bureau when an act of violence occurs involving a licensee or one of its registrants that requires law enforcement to respond. Business and Professions Code section 7599.42 requires an alarm company operator licensee to file a report within seven days of any violent incident involving a deadly weapon, including the discharge of a firearm involving the licensee or the licensee's alarm agent employee.

It is unknown how many of these violent incidents that meet the criteria for reporting are not reported to the Bureau because this process depends upon self-reporting. However, if an incident rises to the level of a licensee/qualified manager/registant being arrested, the Bureau should receive a subsequent arrest report from DOJ. Additionally, the Bureau is frequently made aware of firearm discharge incidents involving a licensee by local law enforcement and through media articles.

With the following exceptions, there is no threshold for civil settlement reporting to the Bureau. In regards to civil court judgments, Business and Professions Code section 7507.7 mandates a reposessor agency licensee to notify the Bureau of a final civil court judgment filed against the licensee or any officer, partner, qualified certificate holder, or registrant of a licensee, for an amount of more than the then prevailing maximum claim that may be brought in a small claims court pertaining to an act done within the course and scope of his or her employment or contract. Business and Professions Code section 7599.43 mandates an alarm company operator licensee to notify the Bureau when it receives a final civil court judgment order filed against the licensee or its employee for an amount greater than \$500.00. The Bureau does not track settlement amounts given that these notifications are rarely received. If a notice is received, it is filed with the company's license record and archived. If the basis for the civil action involved possible violations of the practice act, the Bureau would open an investigation.

Administrative Settlements

The Bureau does not settle cases prior to the filing of an accusation. The Bureau can enter into stipulated settlements with licensees once an accusation has been served. In the past four years, the Bureau settled 12 cases post-accusation and 40 cases resulted in an actual administrative hearing. Approximately 23% of the cases are settled prior to hearing.

Statute of Limitations

BSIS has no statute of limitations on enforcement actions.

Unlicensed Activity

The Bureau's Enforcement Unit has historically been comprised of associate governmental program analysts (AGPA), which has limited the Bureau's ability to actively investigate unlicensed activity in the field, without the use of the DOI. Private security makes up the vast majority of BSIS investigations and complaints and those who engage in unlicensed private security activity often do so at night and on weekends. While the Bureau utilizes DCA's DOI for the most egregious cases of unlicensed activity, the high volume of complaints and the need to immediately follow leads and catch people in the act required the Bureau to be more innovative. In 2019, the Bureau began the process to reclassify an AGPA position to a Special Investigator (SI) (non-sworn). By 2021, the Bureau had hired two SIs.

The SIs spend most of their time in the field investigating licensees and following unlicensed activity leads. Additionally, the SIs participate in sweeps with local law enforcement and other governmental agencies. Having the SIs in the field following up on leads timely and working with other governmental agencies has enabled the Bureau to be more proactive in combating unlicensed activity. From July 1, 2019 through June 30, 2023, the Bureau issued 210 unlicensed activity citations, which is almost a 290% increase from the preceding four years.

Bureau management and staff have attended and presented at meetings, conferences, and various trainings to educate local law enforcement and governmental agencies on licensing requirements and BSIS laws and regulations. Additionally, the Bureau continues to update consumer educational brochures as laws and regulations change.

Citations and Fines

The Bureau continuously uses its citation and fine authority to enforce the provisions of the six acts under its oversight. The fines are issued up to the maximum amount authorized by the specific statute. Additionally, the Bureau's regulations (Title 16, Division 7, Sections 601.6, 601.7 and 601.8 of the California Code of Regulations) authorize the Bureau to issue unlicensed activity administrative citations up to \$5,000.

In fiscal year 2020-21, the Bureau issued 108 citations totaling \$299,900 in fines. In fiscal year 2021-22, the Bureau issued 90 citations totaling \$244,900 in fines. In fiscal year 2022-23, the Bureau issued 122 citations totaling \$323,800 in fines.

The Bureau issues citations and fines to encourage compliance with the laws and regulations of the six acts within the Bureau's oversight authority, to enhance administrative actions when warranted for the purposes of promoting a fair industry for all licensees, and to protect California

consumers from fraudulent, harmful, or illegal practices. Citations are issued for less egregious violations because the primary intent is to encourage compliance as opposed to pursuing actions to revoke or suspend licensure.

Citation Appeals

Informal Citation Conference with Bureau Chief per 16 CCR 601.10				
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Informal Citation Conference	2	9	4	9
Disciplinary Review Committee Appeals: Citation/Fine				
	FY 2019–20	FY 2020–21	FY 2021–22	FY 2022–23
Private Security DRC	3	5	17	1
Alarm DRC	0	2	0	0
Collateral Recovery	1	3	0	0
Private Investigator	0	0	1	0
Administrative Procedure Act Appeals through the Office of Administrative Hearings: Citation/Fine				
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
APA Citation/Fine Appeals	2	7	5	4

Common Violations

The five most common violations for which BSIS issued citations from July 1, 2019 through June 30, 2023 were:

- Unlicensed Activity 210
- Unprofessional Conduct 108
- Administrative/Technical 88
- Technical Requirements 58
- Weapons Violations 49

Fine Collection

The average fine amount is approximately \$2,482 pre-appeal and \$2,232 post-appeal. The Bureau contacts the licensee/unlicensed individual via three collection letters sent 30 days apart. If the issuance of these letters does not result in payment of the outstanding fine or subsequent contact to establish a payment plan, the Bureau initiates the Franchise Tax Board intercept process. Any money intercepted from a Franchise Tax Board return is forwarded to the Bureau's Fund. If a payment is received by the Bureau directly from a debtor on an existing Franchise Tax Board account, the Bureau notifies the Department's Accounting Office so the Franchise Tax Board account can be updated.

Cost Recovery and Restitution

The Bureau uses the authority of Business and Professions Code section 125.3(a) to recover the reasonable costs of investigation and enforcement of a case. The Bureau submits cost certifications with each case that is referred to the OAG detailing the expenditures the Bureau incurred in investigating and prosecuting the case. As part of the administrative hearing process,

the Deputy Attorney General will request cost recovery for the Bureau's investigative costs, enforcement costs (costs for the Deputy Attorney General to prepare and defend the case), or both. If cost recovery is ordered or agreed upon, the applicant (if issued a probationary license) or licensee may choose to pay the amount in full or enter into a payment plan with the Bureau.

If a license is revoked and the revocation is stayed and probation ordered, cost recovery is usually included as a term of probation. The Bureau is generally successful in collecting cost recovery from licensees who are on probation (and applicants issued a probationary license), as payment is a condition of probation and the Bureau's probation monitors work with the licensees to establish a payment plan. Over the last three years, the Bureau collected an average of approximately 47% of the cost recovery ordered. The Bureau is looking at opportunities to utilize collection agencies in instances where a license is revoked and cost recovery is ordered. The Bureau has had success utilizing the Franchise Tax Board's Intercept Program to enhance its collection efforts for these revocations too.

The Bureau does not seek cost recovery for Statement of Issues cases where the applicant is not granted a Bureau license. The Bureau has no statutory authority to order cost recovery to persons who are not licensees.

The Bureau does not have a formal restitution policy. However, complaint resolution and enforcement staff may attempt to negotiate a remedy involving the licensee recompensing the consumer in the course of conducting an investigation involving allegations of services not being provided or the costs for services rendered exceeding the perceived agreement. It should be noted that any negotiated arrangement must be agreed upon by both the licensee and consumer. Table 12 details the dollar amounts related to this activity.

Additionally, an Administrative Law Judge may order a licensee to pay restitution to the harmed consumer as a condition of probation or part of the order. The Bureau is not involved in the collection of restitution. However, if restitution is part of a probation requirement, the Bureau monitors the activity and ensures the licensee complies and the terms of probation are satisfied. No formal restitution was ordered through the formal administrative process for the report period.

Table 11. Cost Recovery⁷				
(list dollars in thousands)				
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures	\$5,697	\$6,567	\$5,825	\$4,499
Potential Cases for Recovery *	16	19	31	15
Cases Recovery Ordered	5	6	2	9
Amount of Cost Recovery Ordered	\$23,601	\$28,803	\$5,853	\$38,143
Amount Collected	\$65,899	\$18,755	\$5,869	\$9,872
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

⁷ Cost recovery may include information from prior fiscal years.

Table 12. Restitution/Cost Savings For Consumers

(list dollars in thousands)

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	0	0	0	0
Amount Refunded For Consumers	\$25,538	\$26,248	\$10,118	\$19,312
Rework at No Charge	\$1,750	\$2,284	\$2,704	\$7,507
Adjustments in Money Owed /Product Returned/Exchanged	\$163,895	\$42,390	\$49,583	\$69,405
Amount Collected	\$191,183	\$70,922	\$62,605	\$96,224

The Bureau utilizes its website to provide a variety of information to applicants, licensees, and the public. The website features links to the Bureau's laws and regulations, forms and publications, online license verification, disciplinary actions against licensees, and other Bureau activities. The website offers a feature for individuals to subscribe to an Interested Parties List to receive important information from the Bureau through an e-mail notification.

The Bureau posts notices and agendas for its meetings of the Private Security Disciplinary Review Committees, Alarm Company Disciplinary Review Committee, Collateral Recovery Disciplinary Review Committee, and the Bureau's Advisory Committee in accordance with the noticing requirement prescribed by the Bagley-Keene Open Meeting Act. At this time, meeting notices and agendas remain on the website indefinitely; however, older information is archived by year to ensure current information is readily accessible.

The Bureau does not post draft or final minutes for its Disciplinary Review Committees given that the outcomes involve disciplinary actions rendered in closed sessions. The Bureau posts draft minutes for its Advisory Committee meetings as part of the agenda materials for the meeting during which the minutes will be adopted. The meeting minutes remain on the website indefinitely; however, older meeting agenda information is archived by year. The Bureau also includes on its website webcast archives of the Advisory Committee meetings if they were virtual, and this information is also archived by year.

Webcasting Meetings

For the first 24 months of the COVID-19 emergency declaration, all the Bureau's meetings were via WebEx, including the Disciplinary Review Committee hearings and the Advisory Committee meetings.

In February 2022, the Bureau began in-person hearings for the DRCs because more appellants were able to attend. Bureau appellants were often stymied by the virtual format, and frustration with that format led to many appellants either dropping off the call or not being able to call in for reasons ranging from unfamiliarity with the process to poor internet connections.

As mentioned above, DRC meetings were not posted in their virtual format, as outcomes involve disciplinary actions rendered in closed sessions, and any disciplinary actions taken are posted to the licensee's account on BreZE.

Advisory Committee meeting archives are on the Bureau's website indefinitely, and the Bureau also posts them to YouTube. For future Advisory Committee meetings, starting in 2024, the Bureau plans to webcast these meetings and will archive and maintain the online meetings in the same manner.

Meeting Calendar

The Bureau does not establish or post an annual meeting calendar on its website for its Discipline Review Committees nor its Advisory Committee meetings.

The purpose of the Disciplinary Review Committee is to consider appeals from applicants and licensees on the Bureau's decisions relating to application denial, license suspension, or the

imposition of a fine. The scheduling of the committee meetings is dependent on the number of appeals received; therefore, it is not feasible for the Bureau to establish an annual calendar for Disciplinary Review Committee meetings. However, the meetings are conducted in compliance with the Bagley-Keene Open Meeting Act.

The Bureau reestablished its Advisory Committee in July 2014 and has imposed a meeting schedule of three times a year, which meets the Bureau's operational needs and the members' schedules. The Bureau posts the next upcoming Advisory Committee meeting on its website, as soon as the meeting date is determined, but does not post the entire years' schedule, as occasionally meetings must be moved due to members' obligations and availability.

Complaint Disclosure Policy

The Bureau's complaint disclosure policy is consistent with the Department's *Recommended Minimum Standards for Consumer Complaint Disclosure*, and the Bureau posts accusations and disciplinary actions consistent with the Department's *Web Site Posting of Accusations and Disciplinary Actions*.

Licensee Information

The Bureau provides consumers access to information about its licensees via the DCA License Search. This is an online search tool used to verify a license issued by the Bureau. There are multiple ways to search including by licensee name, business name, license number, and other advanced search criteria. Each licensee record reflects the licensee name or business name, license type and status, address for businesses, issuance date, expiration date, information regarding the owners of certain businesses, and if the license has been subject to disciplinary action, including public documents. Upon written or verbal request from a public member, the Bureau provides information contained in the licensee's file that may be disclosed pursuant to the Public Records Act.

Consumer Outreach and Education

The Bureau utilizes the following methods to provide consumer outreach and education:

- The Bureau Chief and Assistant Chief attend multiple events throughout the year to provide in person outreach and education, including conferences, one time events put on by other state agencies, legislators' offices, and industry groups.
- The Bureau's website.
- The Bureau's Facebook and Twitter pages.
- The Bureau sends out weekly emails containing information on licenses revoked or suspended.
- The Bureau sends e-mails to consumers who have subscribed to the Interested Parties List.

The Bureau is aware of online advertising by businesses providing private security services and makes efforts to investigate those that do not hold a license. However, because online businesses are hard to locate and often do not have a physical presence in California, the Bureau has limited means to regulate them. In cases where there is a physical presence and the individual or business can be located, the Bureau educates them on the laws related to licensure or training requirements and takes appropriate action on those who fail to comply.

Because it is not always possible to locate unlicensed businesses, the Bureau believes outreach and education are essential. Bureau staff, including both Special Investigators, have increased inspections and have focused on in person and online unlicensed activity complaints in the last four years.

The Bureau also works with DCA's DOI to take action against online fraud and unlicensed activity more quickly, focusing on the locksmith industry.

The Bureau's website is designed to provide specific information to each of the industries regulated by the Bureau relating to licensing requirements, pertinent laws and regulations, frequently asked questions for each industry, forms and applications, and Bureau contact information. The Bureau provides updates of laws, regulations, policies, and procedures on the Bureau's website, as well as provides this information by e-mail to subscribers of the Bureau's Interested Parties List. Additionally, the Bureau Chief and other management meet routinely with representatives of the regulated industries to discuss issues affecting their respective industries.

The Bureau also provides streamlined application processing when large scale security events occur. In 2022, the city of Los Angeles hosted the Super Bowl. To prepare for the large number of guards needed at such an event, the Bureau set up an expedited licensing process for the weeks leading up to the event. The Bureau also set up an expedited process for guards during the COVID-19 emergency, as private security was deemed an essential industry.

Assessment of Licensing Delays

The Bureau conducted an assessment on licensing delays when applicants mail their applications versus applying online. It was found that applicants that mail their applications can take up to 2 weeks longer to even begin the processing of the applications by staff. The delay is due to the cashiering process that takes place outside of the Bureau's headquarters. As a result of this assessment, there has been a lot of communication to the industry via email subscribers, advisory committee hearings, conferences, and the Bureau's website informing them to apply online for faster processing. In fiscal year 2020-21, the online initial application participation rate was 84% and the mail participation rate was 16%. The renewal online participation rate was 66% online and the mail participation rate was 34% mail. In fiscal year 2022-23, the initial online application participation rate was 91% and the mail participation rate was 9%. The renewal online participation rate was 87% online and the mail participation rate was 13%. From fiscal year 2020-21 to fiscal year 2022-23 there was an increase in online initial application participation by 7% and the renewal online participation increased by 21%. Most of the license types now tend to apply online rather than by mail.

Outreach to Schools

The Bureau approves and licenses training facilities, which then train applicants and licensees in the appropriate skills needed. Email updates are sent out on a regular basis through the Bureau's list serv, and letters and notices are sent to each individual training facility when there is a change to the law or regulations. The Bureau also sends out targeted mailings to all training facilities about changes to procedures, online or paper applications, and laws or regulations to ensure that all licensed facilities are aware of Bureau activities.

Bureau management also maintains strong working relationships with the industry association to which many of the training facilities belong and utilizes the association's infrastructure to get the word out on changes in the law and licensing processes.

Barriers to Licensure and Employment

The discrepancy between the time needed to process paper applications versus online applications can be seen as a barrier. Online applications can be completed and paid for quickly,

the system will auto-match the fingerprint results when they are cleared, and licensing can happen within 24-48 hours of receiving the fingerprint results.

In addition, paper applications do not have a way to let the applicant know there are deficiencies. If there are deficiencies in the application, the applicant is sent a letter explaining what is wrong and what is needed to resolve the deficiency. This back and forth can take weeks. Online applications are far more accurate, as most deficiencies will be flagged by the system and the applicant can then correct it prior to submitting.

Workforce Development Data

The Bureau has not collected any data on any of its licensees nor applicants to track workforce development data. At this time the Bureau does not have the resources to perform such collection.

Efforts to Help Reduce or Eliminate Inequities

BSIS takes its regulatory role in providing access to the security profession seriously which is demonstrated through a very low denial rate of less than 3% of applicants. BSIS is proud that it is a gateway to the professional world for those applicants and licensees who may otherwise be barred, due to prior issues in their background.

Through DCA's SOLID Planning Unit, the Bureau is conducting an equity analysis to update its 2022-2026 strategic plan. In October 2022 stakeholders were provided a supplemental diversity, equity, and inclusion (DEI) survey to gain their input to further advance equity and opportunity in access and outcomes. The survey results will be brought to the Advisory Committee and inform future policies and services. The Bureau looks forward to receiving this analysis to find new opportunities to expand engagement throughout California.

Training for licensees and staff are a priority for the Bureau. The Legislature, through AB 299 (Holden, Chapter 697, Statutes of 2021), recognized that untrained or poorly trained guards may pose a risk to the community at large and mandated further training that will assist guards in recognizing mental illness and emphasize de-escalation. The Bureau has submitted a rulemaking package to the Office of Administrative Law (OAL) that updates both the initial training for security guards and the firearms training for applicants seeking a Bureau-issued firearms permit. Additionally, the Bureau has worked with stakeholders and the California Police Officer Standards and Training (POST) to update the Bureau's training materials. The Bureau will be working with the California Association of Licensed Security Agencies, Guards & Associates (CALSAGA) to educate licensees on the new training standards and materials.

Specific to staff, DCA SOLID Training Unit has several DEI related trainings which are provided by DEI certified trainers. Bureau management are encouraged to attend DEI related training to be mindful of maintaining processes and programs that are fair and impartial.

Uniform Standards for Substance Abusing Licensees

The Uniform Standards are not applicable to the Bureau, as they only apply to healing arts boards under the Department.

Consumer Protection Enforcement Initiative (CPEI) Regulations

Because the Bureau is not a healing arts program, the regulatory changes mandated by CPEI do not apply. However, the Bureau provides information to the Department to post on its website relative to the Bureau's enforcement activities for the established performance measures relating to the handling of complaints, investigations, and disciplinary action.

BreEZe

The Bureau transitioned to BreEZe on January 19, 2016 and was included in Release 2. Except for the license types listed below, individuals seeking to apply for an initial Bureau license or to renew their license can do so online via BreEZe.

- Initial repossession agent registration: Given that the legal owner of the registration is the repossession agency, initial applications may only be submitted via paper with the repossession agency licensee's address listed as the registrant's address of record. However, renewal applications can be submitted via BreEZe and the registration is mailed to the repossession agency licensee's address.
- Baton Permits: Currently, a Bureau-certified baton training facility issues the baton permit to the security guard registrant or security guard registration applicant. The training facilities obtain the permits from the Bureau. Upon completion of a baton training course and the issuance of the baton permit to attendees, the training facility submits the course roster to the Bureau, where staff officially associate the permit with the guard registration in BreEZe. Baton permits do not need to be renewed because they do not expire. AB 2515 revised the baton permit process. Beginning January 1, 2024, baton permits will be issued by the Bureau, and will be subject to expiration and renewal. The Bureau is in the process of implementing the new baton permitting program. BSIS recently sent out notices to all its baton training facilities and posted updates on its social media accounts. The Bureau has also posted the notification on its website. The letter sent to all baton facilities includes the schedule for switching over to a biannual renewal process for its current baton permit holders.

The Bureau's change requests, or Breeze Maintenance Operations (BMO) requests, are submitted monthly to the Department's Portfolio Governance Council, which then decides on priorities among the BMOs submitted. The Bureau currently has 52 BMOs pending.

Section 9 Board Actions and Responses to COVID 19.

Governor Gavin Newsom designated private security workers as essential workers, therefore requiring the Bureau to continue to issue licenses and take appropriate enforcement action during the State of Emergency. None of the Bureau's other professions were deemed essential, including repossessioners, alarm companies, locksmiths, or private investigators.

During the pandemic, security guards were in high demand and, at health-based sites, were utilized to triage patients coming to the facility. The Bureau implemented a voluntary, temporary process aimed at expediting security guard licenses for hospitals and health care clinics/centers. The Bureau's licensing unit received information on guard applicants assigned to health facilities and was able to process most applications and issue licenses within 24 hours, while maintaining the same rigorous background check standards. This process remained in place for the first 120 days of the declared emergency, at which time the demand for health facility-based guards began to decline. The Bureau stopped expediting these applications on June 30, 2020.

This was a temporary measure, as expediting guard cards is a labor-intensive process. Bureau staff remain ready to implement this process again if there is an additional state of emergency declaration.

Governor Newsom also signed executive order, N-40-20, allowing the Director of DCA discretion in waiving certain continuing education requirements. Because of the difficulty in finding an open, Bureau-approved firing range during the pandemic, the Director recognized that the four bi-annual firing range re-qualifications were posing a nearly insurmountable hurdle in maintaining and obtaining a firearms permit from the Bureau, especially as private security was named an essential profession by the Governor. Therefore, a temporary, 60-day waiver granting the Bureau's armed licensees to skip one of four bi-annual firearm range re-qualifications was issued.

In the event of a future State of Emergency Declaration, the Bureau has not identified any additional changes would be needed..

Section 10 Board Action and Response to Prior Sunset Issues

Please find below the prior sunset issues listed, the Legislative staff's recommendation, the 2019 response to the issue, and the 2023 update or additional information in response to the issue raised in 2019.

Issue #1: (BREEZE LIMITATIONS) What efforts is the Bureau taking to fix the technical limitations within the BreEZe system?

Staff Recommendation: The Bureau should advise the Committee about the efforts the Bureau continues to take to address the technical limitations of BreEZe and their workload response to possible BreEZe updates.

2019 Response: The Bureau's BreEZe platform overall enables the Bureau to carry out its licensing duties effectively. Regarding private investigator principal search issues, please see the Bureau's response to Issue 5. The inability for individuals to apply on BreEZe for the licenses that the Committee staff identified is not attributable to system limitations, but other factors.

1. Initial Baton Permits: A change in law would be needed to require the Bureau to issue baton permits for the application process to be available on BreEZe. Pursuant to Business and Professions Code (BPC) section 7585.14, a Bureau-certified baton training facility issues the permit to a student who has successfully completed the required training. The training facility submits a course roster to the Bureau listing specified personal identifier information for, and the baton permit number issued to, each student. The Bureau uses the roster information to associate the issued permit with the person's security guard registration in BreEZe. The permit is only valid when it is associated with a current, non-deficient, non-suspended security guard registration. There is no need for a BreEZe renewal application process because baton permits do not expire.
2. Repossession Agent Initial Registrations/Re-Registrations: Repossession agent registrations are not on BreEZe due to the statutory framework of those registrations, not because of any technical limitations with BreEZe. A change in law would be required to make the repossession agent registration comparable to other Bureau registrations for the application process to be available on BreEZe. The required relationship between the repossession agent registration and the repossession agency license limits the ability to use an online licensing system for the registration. This is because by law the repossession agency is the legal holder of the license and both the initial license and subsequent renewals are mailed to the repossession agency to be issued by the qualified manager. Specifically, the requirements are: (1) an individual must hold a separate registration for each licensed repossession agency with which they are employed; (2) the registration is only valid when the registrant is in the employ of the licensed repossession agency associated with the registration; and (3) the registrant must surrender their registration card to the licensee when they are no longer in its employ. Under this statutory framework, there is no pathway for a BreEZe registration application process that would maintain the integrity of the applicant's unique, password protected BreEZe account information, or that would employ appropriate controls to prevent misuse in obtaining a registration (e.g., individual obtaining a registration without being employed by a licensee and misusing it).

3. **Firearms Permit Initial and Renewal Applications:** These applications were pulled from BreEZe because of the large number of applicants who failed to upload the required attachment and the resulting deficiency workload. With the Bureau successfully launching the new firearms assessment program and increased staff being requested through this year's budget change process, the Bureau believes it may be better positioned to revisit firearms permit applications being on BreEZe, and we are exploring the technical functions in BreEZe that could help decrease the attachment deficiency rate. The issuance/renewal of a firearms permit requires completion of specified training. As evidence, portions of the application must be completed and signed, under penalty of perjury, by the Bureau-certified firearms instructor who provided the training. When the Bureau transitioned to BreEZe in January 2016, the applicant was directed to attach a scan of the paper application to maintain the integrity of the instructor's attestation of training completion. Because applicants frequently failed to attach the scanned document even after the Bureau's multiple efforts to increase compliance (outreach/education to industry associations; emails on the Bureau's interested parties list, and revisions to the BreEZe application instructions) the applications were pulled from BreEZe in September 2017. While this was a difficult decision, the cost of reviewing and correcting the high number of deficient BreEZe applications outweighed the cost of reviewing them outside of BreEZe. In the short-term, this decision allowed the Bureau to maintain targeted application processing times overall. Also, the Bureau had to focus its BreEZe configuration efforts on required activities for the new firearms assessment.

The Bureau is constantly looking for process improvements to provide better services for its licensees and use technological advances to make the application/renewal process more efficient. The Bureau is open to working with the Committees to address these issues.

2023 Response: Overall, the Bureau's implementation of BreEZe was successful and without any significant issues. However, as mentioned in the 2019 response, the Bureau did pull some license types from BreEZe because of significant error rates by applicants incorrectly filling out the forms. Since that time, the Bureau was able to work with DCA's Office of Information Services (OIS) to immediately flag errors made by applicants and add instructions and pop-up "stop signs" to the application process to repeatedly notify the applicant what paperwork must be uploaded. Thus, the Bureau was able to put two of the most utilized applications back online. In October 2019, the Bureau reinstated the initial firearms application on BreEZe, and in January 2020, the firearms renewal application was made available on BreEZe.

Resolving maintenance issues and seeking improvements to the Bureau's BreEZe platform is an ongoing process for the Bureau. Priorities for Bureau BreEZe improvements are submitted on a regular basis to OIS, and legislative changes are sent to the OIS Strike Team, which works to implement them per statutory requirements. Currently, the Bureau utilizes BMOs (Breeze Maintenance Operations) to submit requested changes to OIS.

Because of the seven-year history with BreEZe, Bureau staff can accurately identify when a legislative or processing change is made that impacts BreEZe and can submit a BMO immediately. As mentioned previously, BreEZe improves the users experience, but does not necessarily equate to less staffing. The Bureau has had multiple, complex bills passed in recent years that have significantly increased the workload related to licensing and enforcement work. These changes also impact the BreEZe system and staff must be available to test and implement

BreEZe changes when laws change. BreEZe has met the needs of the Bureau and the Bureau continues to identify changes to improve both the public's and staff's interaction with it.

Issue #2: (STAFFING) Is an additional assessment of the Bureau's staffing resources necessary to ensure an appropriate response to BreEZe implementation in the licensing and enforcement units?

Staff recommendation: As Breeze continues to undergo updates and changes in response to technical shortcomings, it would be helpful for the Committees to better understand how BSIS projects potential workload challenges and what steps are taken to anticipate Breeze impacts on workload. BSIS should conduct a workload and staff resource analysis to measure the Breeze effectiveness in handling the licensed population, the effect in lowering the workload of the Licensing Unit staff, and the effect in lowering the workload of the Enforcement Unit staff. The Bureau should advise the Committees on workload reduction expectations, if any, will arise as a result of proposed improvements to Breeze. It would be helpful for the Committees to understand what the plan is to address challenges in the Licensing Unit's workload, as well as other efficiency improvements the Bureau make (sp) in processing timelines.

2019 Response: While licensing and enforcement data entry times are longer in BreEZe, it is a lesser workload driver than statutory changes or deficient applications. For example, the change in law relating to private patrol operator licensees providing the Bureau proof of maintaining the required liability insurance is nearly nine times greater than projected. Also, while recently enacted, the increased workloads associated with the new insurance claim reporting requirements for licensees organized as LLCs (see Issue #8) and the firearm assessment requirement for security guards are demonstrating the potential for an ongoing compliance-related workload as opposed to a transitional increase.

The Bureau recently underwent two independent operational audits (one in 2017 and the other in 2018). The audits revealed a high number of deficient paper applications (5-25 percent for initial registrations, 50 percent for firearms permit, and over 75 percent for company licenses). The Bureau began updating its application forms with better instructions in 2018. To date, new firearms permit applications, renewal applications for all license types, and applications for replacement licenses have been released. Staff have seen some decrease in deficiencies and Bureau management continues to explore other potential ideas for reducing deficiencies. The updated security guard initial application and proprietary private security officer initial application, which comprise approximately 91 percent of all employee registration applications, are scheduled to be released in by April 2019.

BreEZe Licensing-Related Activities: One area BreEZe has helped with workload is the suspension of a license that requires an association to another license to be valid. Under the prior system, Bureau staff had to manually suspend firearms and baton permits based on reports indicating they were no longer associated with a current, valid qualifying license. BreEZe can instantaneously suspend the firearms or baton permit when they are no longer associated with a current, valid qualifying license. This BreEZe function is scheduled to go into effect for company branch office registration to company license relations in the next couple of months, and the Bureau is currently working on expanding it to repossession agent registration to repossession agency license relations (see Issue #8). This BreEZe function supporting timelier suspensions, particularly for firearms permits and baton permits, helps to promote public safety.

BreEZe Enforcement-Related Activities: The list below details several areas where BreEZe has helped with enforcement workloads.

- Uploading documents to a BreEZe account: The capability to access application documents, correspondence, prior complaints, enforcement or compliance inspection reports from the applicant's/licensee's BreEZe account instead of obtaining them from the Department's Records Unit reduces overall investigation times. As the universe of BreEZe accounts grows over time, the full time-related benefits of this function will be realized.
- Improved History Report: When an enforcement analyst is assigned a new case, they are provided a summary report about the licensee. Under the old system only prior complaints received could be provided on the report. The BreEZe report details complaints received history, prior enforcement activities (including prior citations and fines), and prior inspections and their outcomes which reduces overall investigation times.
- Expanded enforcement activity codes: Expanding the number of activity codes, which was not possible in the prior system, has enabled the Bureau to better track enforcement activities.

The Bureau has made non-BreEZe changes to promote effective operations including reclassifying positions to establish a second supervisor in the Licensing Unit and a second manager in the Enforcement Unit. Additionally, the Enforcement Unit is utilizing student assistants to conduct preliminary investigation of a company that is suspended for failure to provide proof of required liability insurance.

The Bureau will continue to modify its BreEZe platform to promote efficiencies as they are identified and to respond to changes in the law that require new licensing business processes. The new firearms assessment, new insurance claims reporting requirements, and required firearms training compliance inspection activities are some examples of modifications made to BreEZe in response to changes in the law. For those workload drivers, which are not affected by BreEZe, the Bureau will (1) continue to seek opportunities to work more efficiently, and (2) conduct workload-staff analysis after the implementation of new requirements and utilize limited-term staff as well pursue permanent staff when needed through the budget process.

2023 Response: In the past five years, the Licensing Unit made significant BreEZe and personnel changes to implement efficiencies to meet workload needs, enabling it to meet processing goals. Due to several external factors, the Licensing Unit experienced a high vacancy rate over the last two fiscal years, including a 40% vacancy rate in fiscal year 2022-23. Recognizing that lengthy processing times are directly correlated to complaints and increased phone calls and emails, Bureau management shifted resources to ensure that processing times remained under the target. However, due to the vacancies, the processing times increased from previous years' times. Currently, the Bureau, after a sustained recruiting effort, has reduced its vacancy rate in the Licensing Unit to 20% as of the end of August 2023, and processing times are expected to reduce further once new staff is trained. The majority of vacancies within the Bureau are the lower-level classifications, where job turnover is higher as these employees either leave the Bureau or promote upwards. The Bureau also participates in job fairs, regularly does outreach to nearby community college jobs programs to encourage graduates and students to apply, and will continue to do so.

The Licensing Unit also updated and streamlined certain business processes based upon BreEZe capabilities, such as the badge and patch approval process. The Bureau continues to find ways to utilize BreEZe to assist in processing licensing applications and continues to transition as many

functions to automatically process as possible. In addition, the Bureau continues to review BreEZe efficiencies found through the Department's Enlighten Licensing Project to determine what best practices can be implemented at the Bureau.

Enforcement uses BreEZe functionality to track enforcement trends and data to understand where problem areas are in the industries. BreEZe also enables management to better track and monitor enforcement workloads to ensure the units meet their performance measures. While BreEZe brought a lot of functionality and enabled the Bureau to improve upon existing processes, it did not significantly reduce staff workload, as the information must still be entered into the system. It has resulted in more accurate tracking of enforcement, probation, and posting disciplinary actions.

In addition, due to industry need the Bureau still receives hundreds of paper applications daily that must be entered into the system by hand. The Bureau will continue to work to identify ways to find information technology best practices in order to improve user experience for both its stakeholders and its staff.

Issue #3: (WEB PRESENCE) Should the Bureau assess its capacity to maintain an appropriate social media presence and modernize its policies relating to advertising?

Staff recommendation: The Bureau should evaluate policies surrounding social media, advertising, and web-based promotion within the industries it regulates.

2019 Response: The Bureau believed its Facebook account was configured so that only the Bureau could post information to the page. The Bureau used it sporadically to provide Bureau updates and general statements directing persons to its website when significant issues arose, such as BreEZe implementation and fee increases in 2018.

Given that the Bureau does not have sufficient resources at this time to monitor the webpage continuously for postings from external parties, the Bureau determined it was best to temporarily deactivate the account. The Bureau is currently working with the Department's Communications Division on a social media plan in hopes of resurrecting the Facebook page and employing other social media to expand communications with licensees and consumers.

The most common improper advertising activity carried out by licensees on the internet is the failure to include their license number. The Bureau treats this matter as it does many other enforcement cases; the Bureau proactively takes action by educating the licensee on achieving compliance with the law and taking disciplinary action when compliance is not achieved. The Bureau would encourage continued conversations with the Committees related to its online advertising policies.

2023 Response: Working with the Department's Office of Public Affairs, the Bureau now utilizes both Facebook and Twitter pages and vigorously monitors and updates them with relevant information regarding the Bureau. The Bureau responds to complaints and comments within 24-hours and reports inappropriate language to the appropriate platform. As indicated in the 2019 response, the Bureau handles these matters as it does many other enforcement cases and can educate licensees on compliance with the law or take disciplinary action if warranted.

Issue #4: (FUNDS) Should the Bureau analyze the tradeoffs and benefits of combining the Private Security Services Fund with the Private Investigator Fund?

Staff recommendation: The Bureau should conduct a cost analysis regarding combining funds, reporting on the effect of licensing fees, pro rata calculations, and staffing efficiencies. The Bureau should inform the Committee of its plan to pursue fee increases within the Private Investigator Act. It would be helpful for the Committees to better understand how staff resources and allocations are funded and whether there is true separation of the staff workload based on fund type.

2019 Response: The Private Investigator (PI) Fund currently supports four (4) full-time positions and one (1) half-time position. However, PI licensing and enforcement activities exceed the workload of these positions. Having to maintain separate revenue-expenditure, personnel, and other accounting records for two separate funds may be unnecessary and increases the Bureau's overall administrative costs.

A recent independent audit conducted of the Bureau's PI operations recommended workload analyses to be completed every three to five years to ensure the Private Security Services (PSS) Fund is not subsidizing the PI Fund. In 2015, the Bureau carried out such a review because of cross-fund concerns and increased the amount the PI Fund reimburses the PSS Fund through the 2016-17 budget process. However, absent establishing a time accounting system, which would be costly to develop and time-consuming to use, conducting routine analyses creates a workload that cannot be absorbed within existing staff resources without impacting other Bureau operations. Furthermore, the use of independent auditors to ensure one fund is not subsidizing another is expensive.

The audit recommended exploring the possibility of combining the PSS Fund and PI Fund. This recommendation was based on the cross-funding issue and the PI Fund revenue stream being impacted by fluctuations in the licensing population due to the small size of the fund. For the past several years PI revenues have been dropping due to a decline in initial and renewal PI applications resulting in a revenue-expenditure fund imbalance and the need to increase fees.

The Bureau believes that its operations would be optimized by having all fees support only one fund. In addition to administrative savings, having one fund would enhance the Bureau's ability to redirect staff to address workload spikes without cross-funding concerns. Regarding the current condition of the PI fund, licensing fees must be increased statutorily for private investigators to ensure sufficient revenue is collected to cover all PI-related expenses. The Bureau is committed to working with the Committees to establish an adequate PI fee schedule.

2023 Response: Pursuant to Senate Bill 609 (Glazer, Chapter 377, Statutes of 2019) the Private Investigator Fund was combined with the Private Security Services Fund in fiscal year 2019-20. This bill also raised application and licensure fees for private investigators based on the findings of the fee audit. This has significantly helped the Bureau by ensuring appropriate funding, while eliminating the tremendous workload needed to administratively monitor two funds. The Bureau works with DCA's Budget Office to determine workload distribution and appropriate fee structures.

Issue #5: (PRIVATE INVESTIGATOR LICENSING) Should the Bureau review how private investigators licensing is structured?

Staff recommendation: The Bureau should advise the Committees on efforts to make PIs searchable on BreZze and whether additional steps are necessary to make this change. The Bureau should advise the Committees on why PI employees are not registered and whether enhanced consumer protection may result if these employees were registered.

The Bureau should ensure quality in content and the physical card for PI licenses, may need to consider combining duplicative cards, and should provide the Committees information about a plan to update these cards.

2019 Response: The Bureau is pleased to share that the change to enable License Searches by a principal associated with a company license is targeted to be implemented in mid- to-late summer 2019. Company licenses are held by the business entity. The Bureau issues a company license in the name requested by the applicant. If the applicant requests a company name that includes their personal name, the Department's License Search will identify them as a licensee if the search is requested by the licensee's personal name. If the applicant requests a fictitious business name that does not include their personal name, the License Search will correctly produce no results for the licensee if the search is conducted by their personal name. The Bureau requested BreZze changes to enable searches by the name of a principal (person associated with the company license) when the PI industry first raised their concerns to the Bureau. However, searching a company license by a name other than company's business name constituted a system enhancement and there were other requests that took precedence because they addressed a system glitch, a significant operational workload, or a statutory change.

Regulating PI Employees: The laws passed by the Legislature related to the Bureau have not provided it with the authority to regulate PI employees. Presumably, it may be that PI licenses traditionally have been held by a sole proprietor with the owner serving as the qualified manager and being the only person carrying out investigative services. Currently, sole proprietors comprise about 90% of the nearly 8,800 PI licensees. Because the Bureau does not regulate PI employees, it is unclear how many of these licensees have employees on staff. However, the number of licenses held by corporations, LLCs and partnerships comprised of legal entities is growing (10% currently) and several of them have many employees who carry out investigations.

The PI Act mandates that a PI licensee is responsible for the "good conduct" of its employees but it does not specify what good conduct entails. Regulating PI employees is one way to oversee their actions; however, this would result in increased workload and thus additional staff would be needed. Additionally, no statutory standards of conduct exist for the licensee and the licensee's employees, regarding performance of their duties and investigation reports, and providing specific disciplinary actions the Bureau may take against a licensee for noncompliance. Establishing these standards may enhance the oversight of PI employees without the need for the magnitude of staff that would be required to regulate PI employees overall. The Bureau welcomes the opportunity to discuss this issue further with the Committees.

Photo Identification Cards: In 2016, the Bureau conducted an online survey of PI licensees about their pocket licenses and photo identification cards (ID cards) in response to industry concerns. The survey revealed much confusion between the pocket license and the ID card and a desire for changes; however, many respondents expressed concerns with increased costs. The ID cards were discussed during the Bureau's July 2016 Advisory Committee hearing. After much discussion, the industry's committee members expressed satisfaction with the current ID card and a representative of the industry association provided public comment that they would study the matter further.

There is currently a bill, SB 385 (Jones), this session that would make changes to the ID card process. The Bureau does not have a position on the bill but is willing to provide technical assistance to the author's office, the Committees, and industry representatives toward this effort.

2023 Response: In June 2019, the Bureau activated a new feature on the Department's License Search webpage to include all company principals by first and last name. All private investigators can be found under their first and last name, and are linked to a private investigator company license. As mentioned in the 2019 response, a legislative change would be needed for regulation of private investigator employees. However, the laws have remained the same. As previously stated, it may be that private investigator licenses traditionally have been held by a sole proprietor with the owner serving as the qualified manager and being the only person carrying out investigative services. Currently, sole proprietors comprise about 90% of the nearly 7200 private investigator licensees and the Bureau still cannot identify how many of these licensees have employees on staff.

The Private Investigator Act continues to mandate that a private investigator licensee is responsible for the "good conduct" of its employees, which means the Bureau holds the licensee accountable for any actions of the employees that may result in a violation of the practice act. While regulating private investigator employees may increase consumer protection, the Bureau still has the authority to discipline the licensee for any violations of the law carried out by private investigator employees. The Bureau welcomes the opportunity to continue discussion of this issue further with the Committees.

Regarding the ID card, SB 385 (Jones, Chapter 326, Statutes of 2019) did pass and mandated that private investigators receive an "enhanced photo ID card." The Bureau began issuing the new enhanced ID cards in the spring of 2021 after working with the private investigator professional association, the California Association of Licensed Investigators. The bill mandated that the fee charged shall not exceed the actual direct costs for system development, maintenance, and processing necessary to provide this service, and the private investigators were comfortable with a new license that cost at most \$5. This cost constraint limited the options and services available but ultimately the Bureau was able to issue a photo enhanced ID card.

Issue #6: (BATON PERMITS) Should the Bureau evaluate its baton permitting structure?

Staff recommendation: Due to the serious nature of baton use, the Bureau should evaluate its baton permitting structure, and inform the Committees as to why batons are not specified as deadly weapons.

2019 Response: The impact weapons specified in various sections of the Business and Professions Code align with the list of impact weapons specified in California Penal Code (see Penal Code sections 22210 and 22290). Included in both of those Penal Code sections is the term "billy" that does encompass a baton. The Penal Code prohibits a person from possessing the listed impact weapons and provides exemptions for peace officers and security guards, who meet specified conditions. Pursuant to Penal Code section 22295(b), a Bureau-registered security guard who possesses a Bureau baton permit can legally carry a baton while performing official guard duties. The Bureau has had no difficulties in performing its regulatory duties relative to Bureau licensees and the use of a baton. However, the Bureau is open to working with Committees to add "baton" to the applicable sections of law.

The Bureau believes there are opportunities to revise the baton permitting process in a manner that would heighten regulatory oversight, enhance consumer protection, and increase public safety. Should the Committees wish to revise the baton permitting process, issues to consider include who issues the baton permit and routine refresher training to help permit holders maintain their current knowledge and skills required for the safe and proper use of a baton.

2023 Response: AB 2515 (Holden, Chapter 287, Statutes of 2022) revised the Bureau's system for baton permits. Effective January 1, 2024, the Bureau will now issue the baton permits to applicants directly and require a permit to be renewed on a 2-year cycle, subject to continuing education requirements. Previously, the Bureau sold permits to baton training facilities, which then issued the permits to individuals as a lifetime permit, not subject to expiration or continuing education, and sent the issuance information to the Bureau for their files. Making these permits renewable, requiring continuing education, and having the Bureau issue the permits all increase the consumer protection mission of the Bureau. The Bureau looks forward to implementing AB 2515.

Issue #7: (READINESS ASSESSMENT) has the assessment, designed to increase public and consumer protection, been implemented as intended?

Staff recommendation: The Bureau should continue to inform the Committees on the implementation of the assessment requirement. The Bureau should evaluate whether public protection could be enhanced if other license types that may apply for firearms permits were required to undergo a similar evaluation.

2019 Response: The Bureau continues to assess its business processes for the new firearms assessment to identify opportunities for improvement and increased efficiencies. To date, the workload is greater than originally projected with many applicants taking longer than envisioned to take the assessment – some who completed the process at the program's inception have not yet scheduled their assessment appointments. If this workload proves to be ongoing, as opposed to transitional, the Bureau may consider hiring additional limited-term staff or seeking permanent staff through the budget process. The Bureau will keep the Committees apprised if a significant program implementation issue arises.

Employing appropriate judgment, restraint, and self-control relative to the use of a firearm is integral for anyone who carries and uses a firearm in public settings. If the Committees believe the assessment should be expanded to firearms permit applicants seeking to associate the permit with a license type other than a security guard registration, such a policy change would likely result in about 1,000 to 1,500 more applicants having to take the assessment. This assessment population would require the Bureau to seek additional staff to address the increased workload so that overall application processing times are not negatively impacted. The additional number of assessment takers could also impact PSI's operations, which potentially could result in processing delays or the need to raise the assessment fee. The Bureau will evaluate whether public protection could be enhanced if other license types were required to undergo the assessment.

2023 Response: The assessment, as originally established in SB 1196 (Hill, Chapter 800, Statutes of 2016), and discussed in this issue during the prior sunset review was unsustainable as originally written. SB 1196 required the assessment as part of the licensure process through the Bureau, which required the Bureau to deny the application if an applicant failed the assessment. This process also allowed applicants to appeal the denial of the application, but the law did not allow the Bureau to issue a firearm permit even if the applicant was successful in their appeal. This led to hundreds of cases going to the Attorney General's Office (AGO) following the process outlined in SB 1196, but because no remedy was included, the Bureau was not authorized to grant any licenses even with a successful appeal. The assessment appeals were resulting in costs to the Bureau of approximately \$3 million per year, an unsustainable expense that required supplemental appropriations from the Legislature.

In 2021, the Legislature amended the assessment statute via SB 607 (Min, Chapter 367, Statutes of 2021), allowing applicants to take the assessment prior to applying for a firearms permit. This change makes the successful passing of the assessment a precondition to licensure, and therefore the applicant must pass the assessment prior to applying to the Bureau for a firearms permit. This change has significantly reduced the overall number of appeals going to the AGO; the Bureau referred 471 cases to the AGO in fiscal year 2020-21 and only 90 cases in fiscal year 2022-23.

The question of how many shootings have been prevented by the assessment is unknown, but the Bureau believes the assessment improves consumer protection and remains open to subjecting other license types allowed to have firearms to the assessment.

Issue #8: (LICENSING OF LIMITED LIABILITY COMPANIES) Should the Bureau report on the use of the liability insurance held by licensees organized as limited liability companies?

Staff recommendation: The Bureau should evaluate whether there is need for repossession agencies organized as LLCs to be similarly required to hold and report on use of their liability insurance as other license types are required to do. The Bureau should report to the Committee on the data collected thus far on claims filed against all LLC license types for which information is available, and advise the Committees as to the reason for any gaps in information.

2019 Response: The Collateral Recovery Act does not authorize a repossession agency license to be held by a business organized as an LLC. Specifically, subsection (c) of section 7503.4 of the BPC prohibits a repossession agency license to be held by a domestic or foreign LLC.

BPC section 7520.3 states that effective July 1, 2018 a PI LLC licensee must “report a paid or pending claim against its liability insurance to the bureau.” In addition to updating its website and issuing emails to its interested parties list, the Bureau mailed a letter in February 2018 to all PI LLC licensees to advise them of the new reporting requirements. In May 2018, the Bureau mailed a second letter to all PI LLC licensees reminding them of the reporting requirements. Enclosed with the letter was a form the Bureau developed to assist a licensee to report the information. On January 7, 2019, the Bureau mailed a third letter to all PI LLC licensees with a revised claim reporting form due to the low response rate in 2018. In addition, the Bureau issues a letter, detailing the claims reporting requirement, with the claim form to each new PI LLC licensed.

The following details reporting activities for the 107 current, clear PI LLC licensees as of February 28, 2019.

- 79 licensees reported no claims were filed or paid.
- 5 licensees filed deficient claim forms (only provided information for a current policy, which covered less than the six-month period).
- 23 licensees have not responded to date

BPC section 7599.34 states that effective January 1, 2019 an Alarm Company Operator (ACO) LLC licensee must “report annually to the Bureau the date and amount of any claim paid during the prior calendar year, from any general liability insurance policy held” by no later than March 1. In addition to updating its website and sending emails to its interested parties list, the Bureau mailed a letter, with a claims-reporting form the Bureau developed, on January 11, 2019 to all ACO LLC licensees to advise them of the new reporting requirements. In addition, the Bureau

mails a letter, detailing the reporting requirements, with the claims-reporting form, to each new ACO LLC licensed.

The following details reporting activities for the 101 current, clear ACO LLC licensees as of February 28, 2019.

- 52 licensees reported that no claims were paid
- 2 licensees reported claims paid – One reported a claim for \$1,850.00 paid in January 2018 and another reported a claim for \$24,319.64 paid in November 2018
- 26 licensees had the letter returned as undeliverable
- 21 licensees have not responded to date

The Bureau is following up with those licensees who have not responded, and enforcement cases will be opened as warranted. The lack of a reporting due date and fine authority for failure to report may be impacting the compliance rate for PI LLC licensees. Aligning the PI LLC reporting requirements with those specified for ACO LLCs and providing for cite and fine authority for failure to report could be helpful in increasing the compliance rate for PI LLC licensees

2023 Response: In the past five years, the Bureau has not had any LLCs report paying out any claims. Thus, the Bureau does not consider the reporting or existence of LLC claims to be a matter of consumer protection needing statutory protection.

Issue #9: (PRIOR WORK HISTORY) Is it appropriate for the Bureau to be made aware of incidents in an applicant's past that may impact their success as a BSIS licensee?

Staff recommendation: The BSIS should advise the Committees of steps it takes to ensure public protection, including potential means by which it could proactively be aware of incidents involving former law enforcement applicants.

2019 Response: The Bureau takes seriously its responsibility to protect the public in its licensing and other regulatory duties. However, limiting barriers to licensure is also important, and the need for regulatory agencies to have an appropriate balance in their licensing determinations was reinforced by the enactment of AB 2138 (Chiu, Chapter 995, Statutes of 2018).

All Bureau applicants for licensure, except proprietary private security employers, must provide fingerprints and undergo a background check as part of the licensing process. If an applicant is a former law enforcement officer and their actions, which resulted in their dismissal from their law enforcement agency, also resulted in a conviction, the Bureau would receive the conviction information and use it in its fitness for licensure determination. If the former law enforcement officer's actions did not result in a conviction and they do not disclose their law enforcement affiliation, the Bureau's ability to become aware of the matter is limited.

The Bureau does believe there are some tools that it can use to proactively be aware of incidents of former law enforcement applicants. Potentially, the Bureau can use the newly signed law, SB 1421 (Skinner Chapter 988, Statutes of 2018), which requires law enforcement agencies to release the disciplinary records of officers involved in shootings, crimes, or other kinds of misconduct. The Bureau is awaiting the developments in the law and how this important information can be used to protect consumers and increase public safety. Additionally, the Bureau's recently established firearms assessment could be used as another tool. This assessment is intended to determine whether a security guard registrant can demonstrate

appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm when performing security guard duties.

The Bureau believes that these tools could assist the Bureau in striking the delicate balance of reducing barriers to licensure and maintaining strong consumer protections. The Bureau looks forward to working with the Committees on this issue.

2023 Response: As previously stated, the Bureau works diligently to ensure that consumer protection is at the forefront of its licensing duties, while at the same time reducing barriers to licensure where possible. The Bureau does not have the authority to check previous or current employment history but completes a background investigation through fingerprinting applicants.

The concern that problematic former law enforcement applicants are being licensed by the Bureau in large numbers is not supported by any data. The Bureau takes enforcement action on licensees for conduct that violates the specific practice act. Whether or not the licensee is former law enforcement is not always known to the Bureau at the time, so the Bureau has not implemented any formal tracking mechanisms to monitor prior employment. The Bureau would be open to discussing with the Committees if tracking this type of information is needed.

Issue 10: (FIREARMS AND BATON TRAINING) Should the Bureau evaluate its structure surrounding firearms and baton training?

Staff recommendation: The Bureau should evaluate the comprehensiveness of the requirements to receive and maintain a Bureau Firearms or Baton Training Instructor Permit, and whether oversight into their training curriculum is warranted. The Committees may wish to require the Bureau to evaluate baton training facilities in a similar manner to the inspections conducted for firearms training facilities. The Committees may wish to determine whether the Bureau should have more oversight over the training and course materials provided by the training facilities.

2019 Response: The Bureau is open to conducting a comprehensive evaluation of existing requirements to receive and maintain a Bureau-issued firearms or baton training instructor certificate. The current requirements to obtain a Bureau certification for a baton or firearms training instructor certificate include holding a respective instructor's certificate issued by a federal, state or local agency (usually law enforcement), and holding a comparable certificate or having experience from other entities. Restricting the training certificates to only those issued by a law enforcement agency might help to ensure a sound curriculum; however, it could also result in a negative impact in the instructor population.

The Bureau believes onsite inspections play a vital role in educating licensees on, and promoting compliance with, their governing laws. This is particularly the case for training facilities. Expanding mandatory inspections to baton training facilities would require additional enforcement staff so that the Bureau's investigation activities would not be negatively impacted by the new additional workload.

The Bureau's firearms training manual and baton training manual provide the content and training activities that must be covered in the respective course as well as how the training must be conducted (e.g., complete classroom instruction before range instruction for firearms training). The Bureau-certified training facilities and instructors must provide the specified training course,

and the Bureau's regulatory authority is to ensure that the instruction and training are being provided as specified, and if not, to take appropriate disciplinary actions.

The Bureau would be happy to assist the Committees if they wish to pursue these issues further.

2023 Response: The Bureau is statutorily mandated to inspect a firearms training facility within 120 days of initial certification and to maintain a program of random and targeted inspections of them. BSIS has the statutory authority to suspend or revoke a firearm/baton training school's certification for violations of the law. Current law does not mandate the Bureau to inspect baton training facilities like it does firearm training facilities. The Bureau does inspect baton training facilities on a rotation basis or when coupled with a firearms training facility inspection, or as the result of a Bureau investigation. It is important to note that there are approximately 300 licensed firearms training facilities and approximately 150 baton training facilities and many training facilities have both licenses and provide both trainings. Over the past 4 years, the Bureau has inspected nearly 25% of the licensed baton training facilities.

The initial firearms training, baton training courses, and continued firearms training courses offered by a Bureau-certified firearms training facility must comply with the content and format specified in BSIS's *Firearms Training Manual* or *Baton Training Manual*. Both of these manuals are written by the Bureau and it is solely responsible for the content. Current law mandates the use of these training manuals and their content and prohibits instructors from failing to instruct completely in accordance with the Bureau's training manuals.

Issue #11: (FIREARMS PERMIT RENEWAL) Should the Bureau evaluate its structure surrounding firearms and baton training?

Staff recommendation: The Bureau should report to the Committees on ways it can address its licensing guidelines to provide room for a lag from the DOJ so that permits are not unduly held without forgoing a DOJ Firearms Qualification Applicant Form.

2019 Response: Revising the firearms permit renewal process so that the DOJ response is not a prerequisite for renewal may eliminate a problematic step in the firearms permit renewal process. Such a change would not compromise public safety because current law authorizes the Bureau to automatically suspend the firearms permit upon receipt of a firearm prohibitions notice on a permitholder from DOJ, and DOJ issues these notices on an ongoing, continuous basis. Extending the DOJ's allotted response time would not be a viable option because it would require the renewal application to be submitted earlier, which would impact the permitholder's ability to complete the fourth quarterly range qualifications as required.

The DOJ Firearms Qualification Applicant Form should continue to be part of the renewal process to obtain information on firearms prohibitions arising from federal or other state's actions. The Bureau believes adding the authority to require the renewal applicant to re-fingerprint, when notified by DOJ that this is needed, may enhance the integrity of these other prohibition efforts.

The Bureau welcomes the opportunity to work with the Committees if it is determined that changes are needed in this area.

2023 Response: The Bureau continues to believe that revising the firearms permit renewal process removing the DOJ response from being a prerequisite for renewal would reduce delays in the firearms permit renewal process. Also as stated in the 2019 response, a statutory change

would not compromise public safety because the Bureau is authorized to automatically revoke the firearms permit upon receipt of a firearm prohibition notice on a permit holder from DOJ. Extending DOJ's required response time continues to not be something the Bureau would support due to the impact on the permit holder's ability to complete the fourth quarterly range qualifications as required.

Issue #12: (VIOLENT INCIDENT REPORTING AND RESPONSE) What steps can the Bureau take to be more proactive regarding violent incidents involving licensees? Is there more the Bureau should be doing to ensure public protection by evaluating these incidents?

Staff recommendation: The Bureau should report to the Committee on the effects legislation that strengthened self-reporting requirements had on the number of incident reports filed. The Bureau should inform the Committee on how often firearms incidents are found to go unreported prior to the Bureau learning of incidents through media, law enforcement, or otherwise. The Bureau should also consider adding BreEZe enforcement codes relating to other violent incidents, such as physical altercations, non-lethal chemical weapons use, and baton use. The Bureau should inform the Committee how it has used its authority granted in SB 1196. The Bureau should also inform the Committees about resources and mental health guidelines in place and available to an individual or entities involved in an incident involving an armed guard.

2019 Response: Since the implementation of BreEZe, the Bureau has been able to more accurately track incident reports and reported firearm discharges. In reviewing the source data to respond to this issue, the Bureau noted there was a typographical error related to this data in the Bureau's 2018 Sunset Report, which is reflected in the Committees' Background Paper. The Bureau intended to report that from July 1, 2016 to June 30, 2017, there were 13 firearm discharge incidents reported to BSIS that involved an on-duty security guard. Unfortunately, "2017" was typed as "2018" resulting in the data incorrectly reflecting that 13 incidents were reported from July 1, 2016 to June 30, 2018.

For fiscal year 2017-18 the Bureau received 28 firearm-related incident reports. For fiscal year 2018-19 to date the Bureau has received 15 firearm related incident reports. These numbers indicate that after SB 1196 (Chapter 696, Statutes of 2016) went into effect the number of firearm-related incident reports reported to the Bureau doubled. This increase in reporting clearly indicates that the law is working as intended. Additionally, when the Bureau discovers instances where a licensee has not reported an incident or a firearm discharge, the Bureau is authorized to issue a citation to the licensee.

The Bureau has been working with the Department to promulgate regulations to utilize the emergency order process with the Attorney General's Office. The Bureau believes the Department's Budget Change Proposal to augment legal staff and to dedicate them to the Department's overall rulemaking activities will help the Bureau to complete its efforts in this area. In the meantime, when the Bureau becomes aware of an instance where a licensee is arrested for an offense, the Bureau can and does pursue a Penal Code 23 hold on the license.

The mental health resources available to armed guards as well as individuals involved in a firearm incident with an armed guard, are those generally accessible to any crime victim through local law enforcement crime victim programs, which are overseen by the California Victims Compensation Board.

2023 Response: AB 229 (Holden, Chapter 697, Statutes of 2021) recast the conditions under which a private patrol operator must report an incident to the Bureau and expanded the types of physical altercations needing to be reported to include any use of force against a member of the public while on duty. Previously, the language mandated that any physical altercation have qualifying factors, such as an incident resulting in medical care. In addition, AB 2515 (Holden, Chapter 287, Statutes of 2022) imposed this same requirement on proprietary security guards.

Since the passage of both bills, incident reports received by the Bureau have increased significantly:

FY19-20 = 234

FY20-21 = 189

FY21-22 = 850

FY22-23 = 581

The Bureau initiated approximately 30% more complaints between fiscal year 2020-21 and fiscal year 2021-22 as a result of AB 229. The following year, AB 2515 carved out certain types of medical related restraints from the use of force reporting requirements and also mandated use of force reporting for proprietary security, which was something that was never required before. The expansion of use of force reporting requirements by both bills contributed to a 35% increase in the number of citations issued between fiscal year 2021-22 and fiscal year 2022-23, some of which were issued for failing to file a report.

Issue #13: (UNLICENSED ACTIVITY) Can the Bureau adequately address the problems concerning unlicensed persons or companies acting within the six practice acts they regulate?

Staff recommendation: The Bureau should inform the Committees of the most effective means of enforcement the Bureau takes in addressing unlicensed activity, as well as the effectiveness of disseminating licensing requirements and information to businesses. The Bureau should advise the Committees on the compliance rate after the Bureau has given these businesses this information. The Bureau should also inform the Committees as to how it becomes aware of unlicensed activity and whether any statutory changes are necessary to enhance these efforts.

2019 Response: Unlicensed activity involves two scenarios: a person/business either is intentionally eluding regulatory oversight or a person/business is unaware of the license requirements. For the latter, education can be effective if the person/business agrees the activities they are carrying out constitute unlicensed activity and wish to come into compliance. Based on recent trend data, the Bureau estimates that approximately 40 percent of unlicensed activity complaints were closed where education efforts resulted in compliance (i.e. licensure). However, occasionally a situation arises where the Bureau believes licensure is required and the entity disagrees. For example, a company believes it does not need a license because it is an intermediary (e.g., contracting out the services to a third-party licensee) but the contractual relationship is between the consumer and the company. Statutory clarification on the triggers for licensure may be helpful for these scenarios.

Unlicensed activity where the person/business is covert in its actions to prevent from being identified are challenging. Even in those cases where the Bureau issues an administrative citation, payment of the fine and compliance can be difficult since the Bureau has no authority over the entity. The Bureau has tried working with local law enforcement to pursue criminal misdemeanor

actions authorized in the Acts. Unfortunately, due to workload issues many local jurisdictions are unwilling to prosecute.

Due to the noted challenges, the Bureau believes the best approach against unlicensed activity is education and continues to pursue efforts in this area. The Bureau has disseminated licensing information to law enforcement agencies, businesses, at public outreach events and through other state agencies. This has led to an increase in the number of unlicensed activity complaints being submitted to the Bureau.

2023 Response: Due to the challenges inherent in tracking down unlicensed personnel, the Bureau believes the best method to address unlicensed activity continues to be education. Bureau leadership has increased its outreach activities, and the Bureau Chief and Assistant Chief have been attending multiple events each year such as conferences, other state agency training with the Department of Alcoholic Beverage Control (ABC), various local law enforcement agencies such as the Sacramento and San Diego Police Departments, and outreach events put on by public officials to disseminate information about what Bureau licensees can and cannot do under their Practice Act(s). In August 2023, the Chief and Assistant Chief presented at an ABC training with more than 50 local law enforcement agencies in attendance, to review what guards can and cannot do, and what constitutes unlicensed activity.

Additionally, BSIS reclassified two existing positions as Special Investigators (non-sworn) (SI). The SIs are more flexible than the traditional Enforcement AGPA classification in terms of hours and travel, and the Bureau has significantly utilized them in the investigation of unlicensed activity. It would be beneficial to expand the authority of the Bureau to issue citations pursuant to Business and Professions Code section 146 for the private security industries. Current authority exists for locksmiths, repossessioners, alarm companies and private investigators, but not private security. Adding the Private Security Services and Proprietary Security Services Acts would make unlicensed activity in these industries an infraction and would authorize the Bureau to issue criminal citations to obtain compliance.

A large amount of the unlicensed activity complaints the Bureau receives involve unlicensed and armed individuals. Expanding the SI authority would increase cooperation between Bureau SIs and law enforcement, and increase cooperation between unlicensed individuals, law enforcement, and Bureau staff.

These activities have led to an increase in the number of unlicensed activity complaints being submitted to the Bureau, and an increase in the number of unlicensed activity citations, as shown in the Bureau's statistics.

Issue #14: (ENFORCEMENT STATISTICS) What accounts for the small number of enforcement actions taken by BSIS, given the magnitude of its licensing population?

Staff recommendation: The Bureau should inform the Committee about enforcement priorities, what steps have been taken since the prior sunset review to boost enforcement efforts, why so few citations are issued, and what potential tools and resources BSIS may need in order to take swift and timely enforcement action.

2019 Response: The Bureau's enforcement priorities are compliance with the law and taking disciplinary actions as timely as possible to address egregious violations to promote public safety and consumer protection. The Bureau's enforcement actions reflect the various options available toward these goals.

For minor violations of the law, Bureau enforcement staff work to educate licensees to obtain compliance without needing to issue a citation. For more egregious violations or repeated conduct subject to discipline, the Bureau can file an Accusation to revoke the license. The Private Security Services, Alarm Company Operator, and Locksmith Acts provide the Bureau the authority to automatically suspend the license upon notice of conviction of a crime that is substantially related to the qualifications and duties of the license. These license types comprise about 90 percent of the Bureau's licensing population. Additionally, Penal Code 23 authorizes the Bureau to request the court to suspend or restrict a license when the licensee is charged with a crime and is awaiting prosecution. In 2016, the Bureau began to more aggressively pursue this authority and increased the number of the total suspensions/restrictions granted. In Fiscal Years 16-17 and 17-18 Penal Code 23 actions were twelve times greater than the prior two combined fiscal years.

It should also be noted that not all consumer complaints received involve violations of the law. Many complaints involve civil disputes, such as services rendered or costs charged. Approximately 25 percent of the total consumer complaints received fall into this category. The Bureau's Complaint Resolution Program strives to mediate these complaints between the consumer and the licensee toward a mutually-agreed upon resolution.

Lastly, the Bureau maintains an ongoing inspection schedule for most company licenses which allows Bureau staff to conduct a complete audit of business operations to promote compliance with the practice acts, answer licensee's questions and address any minor or technical issues before they turn into actual violations.

2023 Response: Over the last five years, the Bureau has continued to increase licensee inspections, concluded some extensive investigations that have been referred to the Attorney General's Office for formal discipline, and investigated use of force incidents as a result of AB 229. The Bureau's SIs have been actively investigating unlicensed activity and participating in stings and sweeps with local law enforcement and other governmental agencies, which has resulted in more administrative citations issued. In addition, the Bureau is exploring options, such as hiring remote staff based in Southern California who can respond faster to investigate allegations.

As far as tools needed, see Issue #13 above, and proposed Business and Professions Code section 146 changes. The Bureau believes this change would be very helpful in combatting unlicensed activity in the private security industries.

Issue #15: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACTS ADMINISTERED BY BSIS AND BUREAU OPERATIONS) There are amendments to the various practice acts that are technical in nature but may improve Bureau operations and the enforcement of those laws.

Staff recommendation: The Committees may wish to amend the various acts to include technical clarifications.

2019 Response: There are several sections in the Acts the Bureau regulates where clarifying or technical amendments would assist the Bureau to carry out its regulatory duties and promote compliance of the law.

The Bureau would like to pursue two statutory changes that will allow the Bureau to operate more effectively. First, the Bureau seeks to increase efficient operations by streamlining laws related to

security guard registrants' annual continuing education training. The second proposal would increase public safety by aligning current law related to age restrictions for firearm permits. We look forward to working with the Committees throughout the year as the Legislature considers our sunset extension.

2023 Response: The Bureau appreciates any opportunities to work with Committee staff and address ways to improve operations.

Issue #16: (SHOULD THE BUREAU BE CONTINUED?) Should the licensing and regulation of security guards, alarm company operators, repossessioners, locksmiths, and private investigators be continued and be regulated by the Bureau?

Staff recommendation: Staff recommends that the Bureau's operations and Alarm Company Act, Locksmith Act, Private Investigator Act, Private Security Services Act, Proprietary Security Services Act, and Collateral Recovery Act be extended for four years and be reviewed at that time by the respective Committees of the Senate and Assembly. Recommend that security guards, alarm company operators, repossessioners, locksmiths, and private investigators continue to be regulated by the Bureau in order to protect the interests of licensees and the public and be reviewed once again in four years.

2019 Response: The Bureau agrees with this recommendation. The Bureau's mission is "to protect and serve the public and consumers through effective regulatory oversight of the professions within the Bureau's jurisdiction" and the sunset review process provides welcomed opportunities to further these efforts. The Bureau appreciates the opportunity to work with the Committees to effectuate changes that will promote public safety, consumer protection, and a healthy private security market in this state.

2023 Response: The Bureau agrees with the recommendation to extend the BSIS operations for another four years and be reviewed by the respective Committees of the Senate and Assembly. The Bureau appreciates the opportunity to work with the Committees on addressing any and all issues identified by the Legislature that can promote public safety, consumer protection, and a thriving private security market.

Issue #1: Private Security Use of Force Insurance Requirements

A licensed private patrol operator is a company that agrees to furnish a security guard to protect persons or property or prevent theft. AB 2220 (Daly, Chapter 423, Statutes of 2014) mandated that all private patrol operators maintain general liability insurance as a condition for licensure, specifically, commercial general liability insurance policies that provide minimum limits of one million dollars for any one loss or occurrence due to bodily injury, including death or property damage, or both. Not all private patrol operators provide the same level of security services. Some private patrol operators may supply security guards who carry firearms, batons, or less than lethal weapons and are contractually obligated to engage in preventative measures to prevent theft or damages while other companies may only supply unarmed security guards whose duties are strictly to observe and report. Instances where security guards have to use force or utilize other less than lethal weapons to handle a situation often result in liability issues.

Bureau Recommendation: The Bureau proposes increasing the minimum limits of liability insurance for PPOs who supply armed guards or are contractually obligated to use force when necessary. These types of contracts carry more risk and the base minimum of one million may not be adequate to cover damages as the result of a significant injury or death.

Issue # 2: Unlicensed Activity Infraction Authority for Private Security

Business and Professions Code (BPC) section 146 makes unlicensed activity in specified professions an infraction, punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). The professions listed in BPC 146 include locksmiths, repossessioners, alarm companies, and private investigators. The private security industries under the Bureau's jurisdiction are not specified under BPC 146.

Bureau Recommendation: The Bureau recommends adding the Private Security Services Act and the Proprietary Security Services Act to the list of professions specified in BPC 146. This would make unlicensed activity in these industries an infraction and would authorize the Bureau to issue criminal citations to obtain compliance. While administrative fines are effective for licensees, they carry less enforcement authority with unlicensed individuals. Having the authority to issue criminal citations to unlicensed individuals would increase the Bureau's ability to obtain compliance with applicable licensing requirements.

Issue #3: Private Investigator Contract and Retention Requirements

Business and Professions Code section 7561.1(g) prohibits a licensed private investigator from willfully failing to render services or a report as agreed upon between the client and the licensee. The practice act does not contain any provisions mandating retention of client files, nor does the act mandate contract requirements for licensed private investigators. Twenty-seven percent of consumer complaints about private investigators that are submitted to the Bureau allege some form of this violation, a significant number and problem that needs addressing. The lack of retention and contract requirements makes these complaints difficult to mediate and/or investigate because in most instances, the private investigator claims to have already purged files, or the agreement was made verbally, therefore there is no record of what services were agreed upon.

Bureau Recommendation: The Bureau proposes adding provisions in the Private Investigator Act that would establish a minimum standard for service contracts detailing the services to be provided and the fee schedule agreed upon by the licensee and the client. Additionally, the

Bureau proposes mandating records retention for a minimum of two years for all work product carried out under the contractual agreement. This would increase consumer protection and ensure the Bureau can effectually mediate and/or investigate consumer complaints alleging a licensee failed to render services to a client.

Issue #4: Mandating Online Applications

BreEZe enables applicants to submit their applications online and pay the application fee in one smooth transaction. Online submission is faster and avoids the application and payment being routed through the DCA Mailroom and Central Cashiering Unit, which can take up to 14 days for processing before getting to BSIS. Online submission also reduces application deficiencies because BreEZe will prompt the applicant to ensure all necessary responses are provided, information is complete, and necessary documents are attached.

Bureau Recommendation: The Bureau proposes requiring applicants to submit applications online. This practice was already established by the alarm industry in AB 830 (Flora, Chapter 376, Statutes of 2021), which enacted Business and Professions Code section 7590.6, mandating online submission of applications for the alarm industry.

Issue #5: Less Than Lethal Weapons Training and Licensing

The private security industry has been making a move to incorporate less than lethal weaponry for security guards. The Bureau has statutorily mandated training standards and licenses for guards to carry firearms and batons, but there are no specific training requirements or licensing requirements for chemical agents, kinetic energy weapons, or electronic control devices, such as stun guns or tasers. While approximately 13% of the security guard population carries a firearm, they only make up approximately 9% of incidents reported to and investigated by the Bureau, while 13% of incidents involve other weapons, including chemical agents, kinetic energy weapons, or electronic control devices. Less than lethal options are more widely utilized within the industry, however, due to the lack of training standards and licensing requirements, the Bureau has limited jurisdiction in regulating the use of these weapons, and therefore limited insights into their prevalence and use.

Absence of training standards and licensing requirements for these weapons is a consumer protection and public safety issue because security guards are carrying these weapons without proof of adequate training or qualifications.

Bureau Recommendation: The Bureau proposes statutory requirements mandating training standards and licensing requirements for these less than lethal weapons. As these weapons become more prevalent in the industry, ensuring proper training and licensure will enhance public safety.

Issue #6: Alarm Company Operator and Private Investigator Limited Liability Company Sunset Provisions

Both the Alarm Company Act and the Private Investigator Act authorize alarm and private investigator companies to be licensed as a Limited Liability Company (LLC) (AB 1608, Chapter 669, Statutes of 2014 and SB 177 (Chapter 140, Statutes of 2015). These provisions contained sunset provisions as the Legislature had determined at the time that the authorization would need to be reviewed to determine if licensure as an LLC posed any specific problems. Additionally, legislation was enacted requiring these LLCs to report any claim data to the Bureau on an annual basis, which the Bureau is then to report to the Legislature. Over the last ten years, the Bureau has not become aware of any major issues arising as a result of these companies being licensed as LLCs.

Bureau Recommendation: The Bureau proposes removing the sunset provisions on these licenses as well as the reporting requirements. The companies licensed as LLCs have not created any consumer protection issues the Bureau is aware of and the claims reporting has been minimal over the past several years.

Issue #7: Increased Training Hours for Security Guards

Existing law mandates applicants for a security guard registration to undergo 8 hours of Power to Arrest and Appropriate Use of Force training prior to obtaining licensure and then complete 32 hours of security guard skills training, for a total of 40 hours of training, within the first 6 months of hire. Applicants for a BSIS Firearms Permit must undergo 12 hours of training and complete qualifications prior to licensure. Given the increase in demand for security guards to be proactive in preventative measures, as opposed to just observing and reporting, increased training is needed for consumer protection and public safety.

Bureau Recommendation: The Bureau proposes increasing the security guard skills training from 40 hours to 80 hours to include additional training on security guard conduct and misconduct, civil and criminal liability, appropriate use of force methods and in-depth de-escalation techniques. For many, security is an entry level job that can provide the opportunity for advancement or to just make a little extra money. Current law only requires an initial 8 hours of training to become licensed and then 32 additional hours of training within the first 6 month of employment. Security guards may easily be drawn into situations where they are expected to intervene in potentially dangerous situations and could be expected to use various force options that can result in injury or possible death. Increased training could more adequately equip security guards with additional tools needed to avoid dangerous or potentially deadly situations. The Bureau also proposes increasing the firearms training from 12 hours to 40 hours to include additional training on criminal and civil liability, increased de-escalation techniques, in-depth “shoot-don’t shoot” scenarios, and alternative use of force options. The Bureau believes increased training is needed to promote public safety and increasing training can provide security guards with the skills and knowledge to keep themselves safe as well as the public.

Issue #8: Increased Unlicensed Activity Fine Amounts for the Private Security Services Act

In the Bureau’s immediate past sunset review, the issue of more rigorously enforcement of unlicensed activity was included as Issue 13. The report specifically asked: ***Can the Bureau adequately address the problems concerning unlicensed persons or companies acting within the six practice acts they regulate?***

As with all regulated businesses, the private security field struggles with unlicensed competitors. Unlicensed private security businesses risk consumer safety, put their guards at risk, and undermine the profit structure of those who are following the rules. It also diminishes the profession because it is unlikely that the unlicensed company has trained their staff properly.

Bureau staff fields questions about its actions on unlicensed activity at every event attended. Although the Bureau’s unlicensed activity citations have increased nearly 300% in the last four years, licensed operators are increasingly frustrated by what they see as ineffective fine amounts. The private security industry has claimed that unlicensed operators see the small fine amount (maximum \$5,000) as a part of doing business and has opined that a larger fine amount would be more of a deterrent. Additionally, local prosecutors and local law enforcement agencies decline to prosecute unlicensed activity violations in the private security industry because there is not usually a clear-cut victim nor is there a large fine to be imposed. In conjunction with the Business and Professions Code Section 146 changes authorizing the Bureau to issue criminal citations for

unlicensed activity, as proposed above, the Bureau believes that increasing the fines would result in a two-pronged approach that will greatly assist in efforts to combat unlicensed activity.

The Bureau would like to include a stand-alone section in its Private Security Services Act to increase the fines for unlicensed PPOs. There is precedence in the Practice Act for higher citations: BPC 7582.3(b) and (d) have criminal fines of, respectively, \$5,000 and \$10,000. BPC 7582.4 also allows for a civil fine of up to \$10,000.

Section 12 Attachments

Please provide the following attachments:

- A. Bureau's Administrative Manual (Attachment A).
- B. Current Organizational Chart with Advisory Committees (Attachment B)
- C. Major Studies (Attachment C)
- D. Year-end Organization Charts (Attachment D)
- E. Quarterly and Annual Performance Measure Reports (Attachment E)
- F. Satisfaction Survey Results - Discuss the results of the customer satisfaction surveys (Attachment F)

ATTACHMENT A

BUREAU'S ADMINISTRATIVE MANUAL



Organizational Chart – Advisory Committee

Governor's Office
Gavin Newsom

**Department of Consumer
Affairs**
Kimberly Kirchmeyer, Director

**Bureau of Security and
Investigative Services**
Lynne Jensen, Chief

Advisory Committee

Vacant
Industry Member, Training Facilities

Eli Owen
Public Member

Christopher Sayers
Industry Member, Proprietary Security Services

Darren Morgan
Public Member

Frank Huntington, III
Industry Member, Private Investigator

Anton Farmby
Public Member

Mark Miller
Industry Member, Private Patrol Operators

Stanton Perez
Public Member

Vacant
Industry Member, Alarm Companies

Vacant
Public Member

Glenn Younger
Industry Member, Locksmiths

Vacant
Public Member

Leon Scroggins
Industry Member, Repossessors

**ALARM COMPANY OPERATOR
DISCIPLINARY REVIEW COMMITTEE
REFERENCE AND PROCEDURES
MANUAL**

July 2023

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INTRODUCTION

History

The Alarm Company Operator Disciplinary Review Committee (DRC) was established, for the purpose of considering appeals from alarm company operator, qualified manager, and agent applicants and licensees of the Bureau's denials, suspensions, and revocations as well as the assessment of administrative fines. Each DRC consists of five members appointed by the Governor with three members actively engaged in the business as alarm company operators and two members from the general public.

Bureau and Department of Consumer Affairs Mission and Core Values

The Bureau's 2017-2021 Strategic Plan identifies the Bureau's mission as: *To protect and serve the public and consumers through effective regulatory oversight of the professions within the Bureau's jurisdiction.*

The Bureau's Core Values are:

- **Accountability**
- **Consumer Protection**
- **Customer Service**
- **Effectiveness**
- **Integrity**
- **Professionalism**
- **Teamwork**
- **Equity**

Appointment of Committee Members

As a Governor appointee, DRC members are representatives of the Governor and their administration. A DRC member is expected at all times to conduct themselves in a respectful, impartial, professional and courteous manner when participating in any DRC meeting or activity. As a reminder, members serve at the pleasure of the Governor and a DRC appointment may be terminated at any time for misconduct, incompetence, or neglect of duty.

Member Per Diem

Pursuant to Business and Professions Code Sections 7581.1 and 103, a DRC member is paid a \$100 per diem for each day actually spent in the discharge of official duties. Accordingly, if a DRC appeal meeting is scheduled for one day, a DRC member will receive one day per diem to review the case files and one day per diem to attend the meeting. If a DRC appeal meeting is scheduled for two days, a member will receive two days per diem to review the case files and two days per diem to attend the meeting. In regard to other DRC-related training or activities, a DRC member will receive one day per diem for each day they are involved in a DRC training or activity. A DRC member is also entitled to reimbursement for travel and other necessary expenses related to attending a DRC-related meeting or activity.

Duties of Committee Members

The DRC provides an applicant or licensee an alternate process to appeal the Bureau's decision relating to denials, suspensions, revocations, and the Bureau's imposition of administrative fines for the security industries. Specifically, Business and Professions Code Section 7591.18 states:

- (a) The Alarm Company Operator Disciplinary Review Committee shall perform the following functions:
 - (1) Affirm, rescind, or modify all appealed initial Bureau decisions concerning administrative fines assessed by the bureau against alarm company operators or their employees.
 - (2) Affirm, rescind, or modify all appealed initial Bureau decisions concerning denial or suspension of licenses, and certificates, registrations, or permits issued by the bureau, except denials or suspensions ordered by the director in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code.
- (b) The Alarm Company Operator Disciplinary Review Committee may grant a probationary license, certificate, registration, or permit with respect to the appealed decisions described in subdivision (a).

The second appeal process is a hearing before an Administrative Law Judge (ALJ) with the Office of Administrative Hearings. If the matter is appealed to a DRC and the respondent disagrees with the DRC decision, they have the option to appeal the DRC decision to an ALJ.

Committee Resignations

If a DRC member wishes to resign from the DRC, they must provide a letter of resignation to the Governor's Office stating that they no longer wish to serve on the DRC. A copy of the letter of resignation must also be submitted to the Director of the Department of Consumer Affairs and the Bureau Chief.

PRE-MEETING DAY ACTIVITIES

Scheduling Meetings

DRC meetings must be scheduled at least every 60 days; however, the frequency may be more or less depending on the number of appeals received (Business and Professions Code section 7581.1). All meetings are subject to the requirements of the Bagley-Keene Opening Meeting Act and, accordingly, are publicly noticed with an agenda of the scheduled appeals and other items to be considered during the meeting.

Upon receipt of a licensee's or applicant's (hereafter referred to as "respondent") appeal request, Bureau staff schedule the review for an upcoming meeting and mail the respondent information about the meeting and what to expect when attending the DRC meeting. Additionally, Bureau staff will post the meeting's notice on the BSIS public website in accordance with the **Bagley-Keene Open Meeting Act** (Attachments 2 and 3 on pages 21 and 23).

The number of appeals scheduled for a meeting is based on an average case review time of 20 minutes. Given this timeframe, committee members need to be focused and on point in their actions and inquiries during an appeal. This requires each member to have reviewed the case documents in advance to be sufficiently knowledgeable of the history and circumstances. **NOTE:** Historically, not all respondents show up for their scheduled appeals. For this reason, having a case or two run slightly longer than 20 minutes, due to their complexity or other extenuating factors, should not create hardships relative to the overall meeting day.

Case Files to DRC Members

Approximately twelve days before a scheduled meeting, Bureau staff sends each DRC member the case files for each appeal to be heard during a meeting via the FedEx service. Each file contains the pertinent information the Bureau considered in reaching its decision on the applicant/licensee. Bureau staff will send each DRC member an email notifying them that the case files have been mailed and the date they were mailed. Given that the case files may contain information restricted by law or otherwise confidential, it is imperative that committee members handle the documents accordingly and immediately notify the Bureau if the files are misplaced or are not received from the delivery service. If a DRC member does not receive the case files package within 2-3 days of the notification of them having been mailed or if the case files could have been subject to any unauthorized access, **they must immediately notify the Bureau of this fact** by sending an email to the Bureau DRU manager and Bureau staff who oversees DRC activities. **It is the responsibility of each DRC member to promptly notify the Bureau's DRU manager and Bureau staff who oversees DRC activities immediately of any change of their mailing address.**

If a committee member has a question regarding any scheduled appeal prior to the meeting, they should contact the DRU manager or the Bureau staff who oversees DRC activities. **Committee members must not discuss an appeal with external parties or another committee member before the meeting by any means or method.** Prior communications could prejudice the appeal review and could result in the committee's decision being challenged or nullified. Under certain conditions, prior discussions also may be subject to the **Bagley-Keene Open Meeting Act** requirements and **Public Records Act** requests.

MEETING DAY PROCEDURES

All DRC meetings must be carried out in accordance with the **Bagley-Keene Open Meeting Act** (Attachments 2 and 3 on pages 21 and 23), the committee's **Rules of Order** (Attachment 4 on page 51), the **Committee Member Expectation Guidelines** (Attachment 5 on page 55) and the **Chairperson's Instructions** (Attachment 1 on page 17).

Meeting Date Expectations

The meetings generally begin at 9:00 a.m. with the length depending on the number of appeals scheduled to be heard. One or more Bureau staff members will be present at each scheduled meeting to answer questions DRC members may have with regard to Bureau laws, regulations, policies and procedures, and to facilitate the proceedings. Department representatives from the Executive Office or Legal Affairs Office may also attend the meetings. Lastly, the Bureau may arrange for law enforcement personnel to attend DRC meetings.

The meeting notice/agenda lists the respondents to be heard during the meeting. However, reviews are heard in order of sign-in by respondents on the "Respondent Sign-In" sheet located in the designated waiting room. The committee may hear a case out of sign-in order due to hardship-related circumstances. The committee will consider these requests on a case-by-case basis. In addition, since the Bagley-Keene Act requires agenda items to be taken up in agenda order, at the beginning of each meeting a motion must be made and adopted by the committee to allow respondents to be heard in sign-in order. This motion must be carried out in accordance with the committee's Rules of Order (Attachment 4, page 51).

Prior to the committee members calling the meeting to order, Bureau staff will check-in the respondents, may review their photo identification to confirm identity, and answer any questions they and/or their representatives may have. Additionally, Bureau staff will advise respondents and their witnesses and/or representatives that weapons are not allowed in the meeting room or the waiting room.

Meal and Rest Periods

DRC members are not employees of the state and not subject to requirements relating to meal and rest periods. However, the Bureau staff who serve as the DRC facilitator and scribe are represented employees and may be granted a minimum 30-minute lunch break. Accordingly, rest and meal periods should be taken as needed and/or upon request of Bureau staff.

Commencing a Meeting – Quorum

DRC meeting proceedings are carried out in accordance with the committee's **Rules of Order** (Attachment 4 on page 51). In accordance with the **Rules of Order**, a minimum of three DRC members are needed to establish a quorum of the committee. Bureau staff works closely with committee members to ensure attendance at each meeting is sufficient to establish a quorum. If for any unforeseeable reason a quorum is not established at the onset of a meeting, but is expected to be established within a short time (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet

ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal heard later when a quorum is established, or request the review to be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal, in closed session, at a time deemed appropriate by the Chairperson. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the appeal. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals – respondent, their witness(es) or representative as well the committee members – are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

Threatening Behavior by Respondent/Representative/Member of the Public

If a respondent, their representative or witness, or a member of the audience becomes unruly or threatens any committee member, Bureau staff, or another meeting attendee, the Chairperson shall pause the meeting and address the situation. If appropriate, the meeting should be adjourned and committee members and Bureau staff leave the room. If present, law enforcement personnel assigned to monitor the meeting will take over the matter. If no law enforcement is present, law enforcement personnel may be summoned by calling 911.

APPEAL REVIEW PROCEDURES

Committee Introductions

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 17), at the beginning of each review, the Chairperson will introduce the committee members, advise that the members are appointees of the Governor, and briefly explain the responsibilities and purpose of the DRC.

Respondent's Witnesses/Representation

The respondent may present their appeal or be represented by an attorney or other person. If represented, the respondent is still responsible for presenting their appeal. A representative may not testify to facts or events about which they do not have direct knowledge.

The Chairperson will swear in the respondent and, if applicable, their witness(es) to tell the truth. **NOTE:** Representatives (e.g., legal counsel, an interpreter, or any individual providing only moral or technical support) are not witnesses and, therefore, are not to be sworn in.

Bureau's Presentation of Case Facts

The Chairperson will request Bureau staff to state the facts of the case by reading the Bureau's prepared statement for the appeal. The Bureau's statement for the appeal is provided to the committee as part of the background document and includes the respondent's deniable convictions, explanations of the code sections referenced, a brief explanation of the license type the respondent is applying for, and the circumstances the Bureau considered when evaluating rehabilitation.

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 17), the Chairperson will ask the respondent if they have any objections to the official notice.

- If the respondent has no objections, the Chairperson will note that the committee takes official notice of the information presented and proceed with the review.
- If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections and the Chairperson shall note the objections for the record.
- If the respondent has objections to the crime being substantially related to the applicable license type, the committee must hear the objections, the Chairperson shall note the objection for the record, and the review should proceed.
- If the respondent has objections to the accuracy of the Bureau's findings relating to the issuance of a fine, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.
- If the respondent has objections relating to the statutory requirements for licensure or their experience relative to the statutory requirements, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.

NOTE: Preponderance of the evidence means "more likely than not" or "at least 50% plus any additional measure."

Respondent's Testimony

The review provides the respondent the opportunity to tell the committee their version of the relevant events of their conviction(s), the acts or circumstances relating to the Bureau's issuance of fine(s), or their experience as it relates to the statutory requirements for licensure. Below are some of the Chairperson responsibilities to facilitate this effort.

1. The Chairperson may ask the respondent for the reason(s) why they believe the decision of the Bureau should be modified or rescinded.
2. The Chairperson may advise the respondent or their witnesses when testimony is repetitive or unrelated to the case and may guide and advise the respondent and/or representatives so testimony given will assist the committee in reaching a decision.
3. The Chairperson may discontinue a respondent's or their witnesses' testimony if it is irrelevant and relevant testimony does not appear to be forthcoming.

4. If Counsel or a representative for the respondent is present, the Chairperson should ask the Counsel/representative if they have anything to share. NOTE: There may be need to advise Counsel not to disrupt the review proceedings and to admonish Counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.
5. If it becomes apparent during a review that a respondent is having difficulty understanding the proceedings because they are not sufficiently fluent in English, the Chairperson should consider stopping the review and advising the respondent that Bureau staff will reschedule the review for a later meeting at which time the respondent is to bring an interpreter. Any cost associated with the services of an interpreter shall be the sole responsibility of the respondent. However, if the respondent elects to continue with the review, the Chairperson should allow the matter to proceed.
6. The Chairperson should not make any inquiries, or allow any committee member to make any inquiries, into inappropriate or irrelevant areas. Such inappropriate areas of inquiries include but are not limited to all protected statuses, receipt or not of governmental aid.

Purpose of Appeal Review

The purpose of the review is for committee members to obtain sufficient information on the appeal to make a determination on whether the Bureau's decision to deny or suspend licensure, the Bureau's decision to issue a fine or fines, or the Bureau's decision that the respondent does not meet the experience qualifications as required by the Business and Professions Code should be affirmed, rescinded or modified. In making inquiries to obtain information, committee members should confine questions to those events and information on which the Bureau took its action and use good judgment to control the review length to ensure sufficient time for other respondents scheduled for the meeting.

It is not appropriate for a committee member to inquire on personal matters not related to the case, with the exception of those noted below relating to the respondent's rehabilitation efforts. If the respondent raises issues personal in nature, committee members must confine their responses, and subsequent inquiries should only be relevant to the events and information on which the Bureau took its action.

During all portions of the review, the committee shall accept any documents submitted by the respondent or the Bureau. The Chairperson must advise the respondent that documents submitted to the committee must be retained by the committee. (NOTE: The respondent is advised in their review notification letter that they may submit documents in support of their appeal, and that if the respondent submits the documents the day of the hearing they should be prepared to leave the documents with the committee. The documents must be retained by the committee, and provided to Bureau staff after the review, in the event the committee upholds the Bureau's decision and the respondent appeals his case to an administrative law judge.

The information below is provided to assist committee members in conducting the applicable review.

1. *Appeals of Denials Relating to Conviction(s)*: Committee members must obtain information from the respondent and their witnesses, if applicable, regarding the respondent's act(s) and/or behavior that led to the conviction(s), and the rehabilitation

efforts the respondent has made since the conviction(s), which will be considered during their deliberations on the respondent's appeal. The committee is not to "retry" the case to determine if the respondent did or did not commit the act; this determination was made through the judicial process.

Committee members may make reasonable inquiries, including those personal in nature, relating to the respondent's rehabilitation if they are connected with the issues relating to the review. Appropriate questions include but are not limited to the activities the respondent has engaged in since the crime/act, the nature and level of responsibilities of such activities, lengths of employment, participation in appropriate rehabilitation programs (alcohol, drug abuse, child abuse), and changes in lifestyle which may have contributed to the crime/act.

When evaluating and making a determination as to whether or not the respondent has made a showing of rehabilitation, the committee should consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) The total criminal record.
- (7) The aggravating factors listed on the respondent's denial letter.

See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 57).

2. *Appeals Relating to Automatic Suspension of Guard Registration:* Committee members must obtain information from the respondent and their witnesses, if applicable, regarding the respondent's behavior and/or act(s) that led to the conviction(s), and the rehabilitation efforts the respondent has made since the conviction(s), which will be considered during their deliberations on the respondent's appeal. Since an automatic suspension involves a recent conviction, the respondent may not have yet undertaken steps of rehabilitation. However, if the respondent makes note of having done so, committee members may make reasonable inquiries, including those personal in nature, if they are connected with the issues relating to the review. (See item 1 for examples of appropriate questions.) The committee is not to "retry" the case to determine if the respondent did or did not commit the act; this determination was made through the judicial process.
3. *Appeals Relating to Issuance of Fine(s):* Committee members must obtain information from the respondent and/or their witnesses, if applicable, relating to the respondent's specific act(s) or omission(s) that the Bureau determined to be a violation of the Private Security Services (PSS) Act and gave rise to the issuance of the fine(s), which will be considered during their deliberations on the respondent's appeal.
4. *Appeals of Denials for Failing to Meet Required Experience and/or Education:* Committee members must obtain information and evidence from the respondent and their witnesses, if applicable, regarding the respondent's experience, education, and/or training, which will be considered during their deliberations on the respondent's appeal.

Disqualification from a Hearing

In accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 55), a committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality. Committee members must adhere to the specific steps outlined in the Guidelines when recusing themselves from a review. NOTE: Recusal requires the member to have no involvement with the process. While the hearing portion is open to the public, a recused committee member MUST leave the room during testimony to prevent accidental participation such as through body language. Further, a recused committee member shall NOT be in the hearing room during closed session.

If a committee member recusing themselves from the review results in the committee no longer having a quorum, the review shall be carried out in accordance with the section in this document entitled “Commencing a Meeting – Quorum.”

DELIBERATIONS – CLOSED SESSIONS

Following the conclusion of all testimony, the Chairperson shall call the committee into closed session. Only committee members and permitted Bureau staff are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision-making, but may answer meeting-related procedural questions and shall record the minutes of the closed session activities, as required by Section 11126.1 of the Government Code (Attachment 2 on Page 21).

Making a Decision on the Appeal

Committee members should weigh the reasonableness and relevance of the evidence provided by the Bureau, and the reasonableness and relevance of the evidence and testimony provided by the respondent and the respondent’s witnesses, if applicable. Committee members should only consider the facts provided and not make assumptions regarding what may have or may have not transpired. The burden of proof standards are as follows:

1. Denial of Licensure – Lack of Qualifying Experience: The burden of proof rests with the applicant. The applicant must show by “preponderance of the evidence” that he/she satisfies the specified statutory experience or training requirement for licensure.
2. Denial of Licensure – Substantially-Related Conviction: The burden of proof rests with the applicant. The applicant must show by preponderance of the evidence that the conviction did not occur, the conviction is not substantially related to the duties of the license, or that he/she has rehabilitated and is fit for licensure.
3. Bureau Issuing a Citation/Fine: The burden of proof rests with the Bureau. By the “preponderance of the evidence” the Bureau must show that the licensee committed

a violation of the Act.”

4. Suspension of an Alarm Company Operator, Alarm Company Qualified Manager and Alarm Agent Registration: The burden of proof rests with the Bureau. By “preponderance of the evidence” the Bureau must show that the continued possession of such a license, certificate, registration or permit presents an undue hazard to public safety which may result in substantial injury to another.

NOTE: Preponderance of the evidence means “more likely than not” or “at least 50% plus any additional measure.”

In rendering their decisions, committee members should also consider the Bureau’s and Department’s mission of protecting consumers and the public. Ultimately, each committee member is entrusted with making a decision of the respondent’s fitness for licensure, the respondent’s eligibility for licensure, or the appropriateness of the issuance of the fine(s) to the respondent. Fitness for licensure means that the respondent will be able to carry out the duties of the license in a manner that will likely not result in public or consumer harm.

Appeal of Denials Relating to a Criminal Convictions: The grounds for the committee rescinding the Bureau’s denial of licensure are based on the preponderance of the evidence substantiating that the respondent:

- Was not convicted of the crime(s);
- Was convicted of the crime(s), but the crime(s) and/or respondent’s act(s) leading to the conviction(s) are not substantially related; OR
- Was convicted of a substantially-related crime, but have proved rehabilitation to the extent that they demonstrate fitness for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau’s denial of the respondent’s application for licensure due to a criminal conviction.

1. *A Conviction was Not Sustained:* The committee should assess whether the respondent demonstrated, that no criminal conviction was sustained. If the evidence presented by the respondent does not satisfy this burden of proof, then the Bureau’s official notice of the occurrence of a crime or act shall stand. **Note:** If respondent demonstrates that the conviction(s) for which he/she was denied a license have been set aside or dismissed pursuant to Penal Code section 1203.4 or any other provision of law, the committee may not presume that a conviction occurred.
2. *The Crime or Act is Substantially Related to the Duties of the License:* If a crime is associated to a significant extent with the qualifications, functions and duties of the license it is considered to be substantially related. Generally, a conviction or the act(s) leading to the conviction must be substantially related for the respondent to be denied licensure. The grounds for making a substantially related determination include the committee member’s knowledge and understanding of the responsibilities and qualifications of the licensee.
3. *Nature and Severity of a Substantially-Related Crime:* By law, a felony is a more severe crime than a misdemeanor. However, felonies often are pled down to misdemeanors and, therefore, committee members should not consider the classification of the crime as

the sole indicator of the severity of a crime or act. Committee members also should consider the nature and severity of the respondent's act(s) or behavior that led to the conviction including the resulting harm and/or damage to person, property or public.

4. *Rehabilitation:* For the purpose of making a decision of fitness for licensure, rehabilitation involves the extent that a respondent demonstrates the likelihood not to reoffend and that protection of the public would be maintained despite a prior conviction.

Appeal of Denials Relating to Making False Statement on Fact on Application: The grounds for the committee rescinding the Bureau's denial of licensure are based on the preponderance of the evidence substantiating that the respondent:

- Did not make a false statement of fact on the application; OR
- Did make a false statement of fact on the application, but doing so does not constitute an act that is substantially-related to the duties of the license and, accordingly, do not demonstrate that the respondent is unfit for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's denial of the respondent's application for licensure due to the respondent making a false statement of fact on the application.

Making a false statement of fact on an application is grounds for denial pursuant to Business and Professions Code Section 7587.1(a). False statement of fact on the application includes the respondent stating they possess experience or training that they do not; providing fraudulent documents to demonstrate experience or training; or falsifying a declarant's attestation as to their experience.

Ignorance of the law and its requirements is not a defense. The license application contains information on the licensure requirements, including disclosure requirements. Ultimately, it is the applicant who, under penalty of perjury, attests to their statements made on the application, whether by signature on a paper application or through the electronic submission of a BreEZe application, as being truthful and factual.

Additionally, some respondents may state that they did not complete the application. Given that the applicant is the one who allegedly signed the paper application or clicked the "Yes" radio button in the BreEZe application attesting, under penalty of perjury, that the "statements on this application are true and correct" this statement is not in of itself a defense. Other evidence must be presented to substantiate the fact (i.e., witness testimony that witness themselves actually completed the application). However, if this is the defense brought forth, the committee should consider whether the act or acts of misleading the Bureau by having another complete the application rise to the level of demonstrating that the respondent is unfit for licensure.

Appeals Relating to Automatic Suspensions of Alarm Company Employee

Registrations: The grounds for the committee rescinding the Bureau's suspension of an ACE registration is based on the preponderance of the evidence substantiating that the respondent:

- Was not convicted of the crime(s);
- Was convicted of the crime(s), but the crime(s) and/or respondent's act(s) leading to the conviction(s) are not substantially related; OR
- Was convicted of a substantially-related crime, but they've substantiated rehabilitation

to the extent that they've demonstrated fitness for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's suspension of a security guards registration due to a criminal conviction.

1. *A Crime or Act Occurred:* The committee should assess whether the respondent demonstrated, that no criminal conviction was sustained. If the evidence presented by the respondent does not satisfy this burden of proof, then the Bureau's official notice of the occurrence of a crime or act shall stand. **Note:** If respondent demonstrates that the conviction(s) for which their registration was automatically suspended have been set aside or dismissed pursuant to Penal Code section 1203.4 or any other provision of law, the committee may not presume that a conviction occurred.
2. *The Act/Crime is Substantially Related to the Duties of a Guard:* If a crime is associated to a significant extent to the qualifications, functions and duties of a security guard, then it is considered to be substantially related. A conviction or the act(s) leading to the conviction must be substantially related for the guard registration to be automatically suspended. The grounds for making a substantially related determination include the committee member's knowledge and understanding of a security guard's responsibilities and qualifications.
3. *Nature and Severity of a Substantially-Related Crime:* By law, a felony is a more severe crime than a misdemeanor. However, felonies often are pled down to misdemeanors and, therefore, committee members should not consider the classification of the crime as the sole indicator as to the nature and severity of a crime or act. Committee members also should consider the nature and severity of the respondent's act(s) or behavior that led to the conviction including the resulting harm and/or damage to person or property.
4. *Rehabilitation:* Automatic suspensions involve recent convictions; therefore, there may be insufficient time for the respondent to demonstrate rehabilitation. However, if the respondent provides evidence to this effect, for the purpose of making a decision of fitness for licensure, rehabilitation involves the extent that a respondent demonstrates the likelihood not to reoffend in the future. Consideration of mitigating factors is also appropriate.

Appeals Relating to Issuance of Fine(s): The grounds for the committee rescinding the Bureau's issuance of a fine is based on the preponderance of the evidence demonstrating that the respondent did not violate the specified provision of the Alarm Company Act. The grounds for the committee modifying a fine the Bureau issued is based on the preponderance of the evidence substantiating that a violation of the Alarm Company Act occurred, the authorizing section of law providing discretionary authority on the fine amount, and the committee's determination as to appropriate fine amount. **NOTE:** The committee does not have the statutory authority to modify fines set in statute.

The following information is provided to assist committee members in deciding whether to affirm, rescind or modify the Bureau's issuance of a fine.

The Legislature established requirements for maintenance of the license and standards of conduct for licensees in the Alarm Company Act to help support public safety and consumer protection. As a means to promote licensees' compliance, the Legislature authorized the Bureau to issue fines for violations of these requirements and standards. Many fine amounts

are established in law and the Bureau only needs to establish that the violation occurred. Other fines have a maximum amount that may be imposed, and the Bureau must establish that a violation occurred and determine a fine amount commensurate with the act(s) or omission(s) committed by the licensee.

Committee members should keep in mind that they are not determining whether the respondent's act or omission is acceptable or unacceptable. The Legislature determined the conduct and acts as unacceptable by identifying them as a violation of the Alarm Company Act, and authorizing the Bureau to issue a fine to promote compliance.

Some respondents may state that he/she was not aware of the requirement(s) or standard(s). This type of testimony does not establish a defense. The licensee or the licensee's qualified manager is responsible for being knowledgeable of the requirements in the Alarm Company Act, and ignorance of the law and its requirements is not a defense.

1. *Violation of the Act Occurred:* The Notice of Citation the Bureau issued to the licensee details the applicable code section(s), a brief description of the statutory requirement(s) and the Bureau's findings relating to the respondent's act(s) or omission(s) that gave rise to the violation(s). When possible, the Bureau will have an Enforcement Representative present at the hearing to present the facts of the case and answer any technical questions the committee may have. Committee members are to assess the reasonableness and relevance of the evidence (Notice of Citation, Investigation Report, and testimony) provided by the Bureau and the testimony and evidence provided by the respondent and the respondent's witnesses, if applicable, in guiding their determinations.
2. *Modifying the Fine Amount:* If the committee determines that a violation of the Act occurred and the violation is associated with an up-to-maximum fine amount, committee members should consider what amount of fine would be commensurate with the respondent's act(s) and behavior as well as the effect the fine would have in deterring the respondent from committing a future violation of the Alarm Company Act. **NOTE:** The Committee may not modify a fine amount set in statute nor may the Committee increase a fine assessed by the Bureau.

Appeals of Denials for Failing to Meet Required Experience or Training: The grounds for the committee rescinding the Bureau's denial of licensure is based on the preponderance of the evidence (applicant's statements, supporting documents and declarant's attestations) demonstrating that the respondent satisfies the requirements for the license.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's determination that the respondent does not meet the requirements for licensure.

The Legislature established minimum standards for obtaining a license regulated by the Alarm Company Act. See ***Minimum Requirements for Licenses Regulated by the Alarm Company Act*** (Attachment 7, page 59) for a list of the licenses and their related minimum requirements. Committee members must determine if the respondent has demonstrated that he/she complies with the requirements. In making this determination, committee members must keep in mind that the minimum requirements for licensure set by statute may NOT be waived, lessened or modified. The committee solely must consider whether the respondent, by preponderance of the evidence, demonstrates that he/she satisfies the minimum requirements.

Committee Motions

All committee motions and votes shall be carried out in accordance with the Committee's **Rules of Order** (Attachment 4 on page 51). A decision is reached on a given motion by a majority of voting members. In the case of a tie, the decision reverts to the Bureau's decision to deny, suspend or fine the respondent. See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 57) for additional factors to consider when reaching decisions.

The committee may make the following motions on the Bureau's initial action to deny an applicant; suspend a license, registration, certificate or permit; or issue an administrative citation to a license, registrant, and certificate or permit holder:

- Affirm (uphold)
- Rescind (overturn); or
- Modify

NOTE: The committee may not take an action that includes a penalty more severe than the Bureau's action (e.g., increasing the amount of an administrative fine). Furthermore, in some instances (e.g., fines set by statute), the committee may NOT modify the penalty.

Preparing the Decision

Bureau staff will provide the Chairperson with the Decision and Order document, which is addressed to the respondent, to complete with the committee's decision and the basis for the decision. The Chairperson, or the Vice Chairperson in the absence of the Chairperson, or the Acting Chairperson in the absence of the Chairperson and the Vice Chairperson must sign the document. The Bureau will mail the document to the respondent along with a cover letter outlining the procedures for the respondent to appeal to an administrative law judge if respondent disagrees with the DRC's decision. DRC committee decisions are final if the respondent fails to request an administrative hearing within 30 days from the date the Decision is mailed to the respondent. Please note, the signed decision of the DRC is subject to public disclosure under the California Public Records Act.

Discussion of Cases

Committee members must remember that while a primary purpose of the DRC is to provide respondents a more timely decision than that afforded through the administrative hearing process, the respondent has the right to appeal the DRC's decision to an administrative law judge. To maintain the integrity of any subsequent hearings, committee members shall not discuss the nature of the appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to any case heard by the committee, they **MUST** immediately notify the DRU Manager and the Bureau staff who oversee the DRC activities.

NON-REVIEW AGENDA ITEMS

Other Items on Agenda

The Chairperson must verbally recognize all items on the Agenda posted online with the public Notice of the meeting and ensure that, if applicable, the public has an opportunity to directly provide comment to the committee during the discussion of each item prior to any action taken. Any motions made shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 51)

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 51)
2. The adjournment and time will be announced by the Chairperson and recorded for the Meeting Minutes.

ALARM COMPANY OPERATOR DISCIPLINARY REVIEW COMMITTEE CHAIRPERSON'S INSTRUCTIONS

OPENING THE MEETING:

- Establish a quorum of Committee
- Approve past Disciplinary Review Committee meeting minutes and address all other items on the Agenda listed before Review items
- Request motion to hear respondents in sign-in order instead of Agenda order

REVIEW INSTRUCTIONS:

INTRODUCTION

Chairperson introduces all committee members.

Chairperson reads:

" My name is [name], [Chair/Vice-Chair] of the Alarm Company Operator Disciplinary Review Committee. This Disciplinary Review Committee is appointed by the Governor of the State of California to hear appeals of decisions made by the Bureau of Security and Investigative Services regarding denials, suspensions, and administrative fine assessments. The committee may affirm, rescind or modify the Bureau's decision based on the information in the Bureau's file and your testimony today.

We will now begin the review of the Bureau's decision to:

- **deny** the (type of license/registration/certificate) of (name of respondent).
- **suspend** the (type of license/registration/certificate) of (name of respondent).
- **impose an administrative fine** against (name of respondent)."

RESPONDENT'S COUNSEL/WITNESS

Ask respondent if they are represented by counsel or are being assisted by a representative. If yes, ask the respondent to introduce them for the record.

Ask respondent if they have any witnesses. If yes, ask the respondent to identify the person by name, and relationship to the respondent for the record. Chairperson should ask if the witness is participating as a character reference or as a witness to the events.

OATH TO RESPONDENT AND, IF APPLICABLE, WITNESS(ES).

Chairperson reads:

"I will now be reading you the oath. Do you swear to tell the truth, the whole truth and nothing but the truth?"

RESPONDENT'S NAME AND ADDRESS

Chairperson reads:

"Please state the following information for the record: Your full name, current address, and name of your current employer (if any)."

BUREAU PRESENTS CASE FACTS

Chairperson reads:

"A Bureau representative will now read the facts of this case."

After the Bureau representative reads the facts, **Chairperson reads:**

"Please note that the information read by Bureau staff is listed on your [denial/suspension/citation] letter as the reasons for your [denial/suspension/citation]. Before moving on to your testimony, please advise the committee if you have any objections to the information read."

If the respondent has no objection, the Chairperson shall state for the record:

"Having heard no objection, the committee takes official notice of the Bureau's case facts. We will continue with the review."

If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections.

The Chairperson shall state for the record:

"The committee notes, for the record, the respondent's objections. We will now proceed with the review."

RESPONDENT'S TESTIMONY

The Chairperson reads:

"Now is your opportunity to address the committee regarding your appeal and provide your verbal testimony. Please begin."

IF THERE'S A WITNESS

After the Respondent's testimony, the Chairperson may call any witness for their testimony. The Chairperson should remind the witness that they are under oath.

IF THERE'S COUNSEL/REPRESENTATIVE

If counsel or a representative for the respondent is present, the Chairperson should ask the counsel/representative if they have anything to share. NOTE: There may be need to advise counsel not to disrupt the review proceedings and to admonish counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.

COMMITTEE MEMBER'S QUESTIONS

For the purposes of the hearing, the chairperson can individually ask each committee member if they have questions one at a time. Once the committee member is finished asking their questions, the chairperson should move to the next member.

CONCLUSION OF TESTIMONY/CLOSED SESSION

Upon determination that all committee members have asked all of their questions and the respondent has had the opportunity share their testimony, the Chairperson shall ask the respondent if they have anything else to share.

The Chairperson shall state for the record:

"Prior to the Disciplinary Review Committee ending this review, if you have anything else you want to add or expand on, please do so now."

Upon conclusion of the respondent's additional information, the Chairperson shall close the record of the matter by stating:

"The record in the review of the <denial, revocation, citation> against <respondent's name> is now closed.

After the Chairperson closes the record, the Chairperson shall inquire for public comment:

"The Disciplinary Review Committee is now open for public comment."

After public comment ends, the Chairperson will close the review:

"The Disciplinary Review Committee is now going into closed session to deliberate on your case. You will be notified by mail of the Committee's decision within 30 days. Please do not call the Bureau for the results of your review before this time. Thank you for appearing for your review".

RETURNING TO OPEN SESSION

Upon reconvening back into open session, the Chairperson should state for the record:

"The Committee is back in open session. For the record, the Committee made a decision on [respondent's name's] appeal. The review is now concluded".

ALARM COMPANY OPERATOR DISCIPLINARY REVIEW COMMITTEE BAGLEY-KEENE OPEN MEETING ACT – KEY PROVISIONS

(Note: GC = Government Code Section)

All Disciplinary Review Committee (DRC) meetings must be carried out in accordance with the provisions of the Bagley-Keene Open Meeting Act (Act). It should be noted that the Act's provisions also apply when three or more DRC members are in communication by telephone or email. This means that these communications would be subject to the Act's noticing and minute-taking requirements, as well as public records act requests.

1. DRC meetings are open to the public except during periods when a meeting is in "closed session" as identified on a meeting agenda. *(GC 11123)*
2. All DRC meetings must be publicly noticed. The Notice and Agenda must be posted on the BSIS website at least 10 calendar days in advance of the scheduled meeting and include a brief description of each specific item to be discussed. *(GC 11125)*
3. No item will be added to a meeting's Agenda after the meeting has been noticed. *(GC 11125)*
4. DRC members must permit public comment on an Agenda item after discussion of the item by DRC members and before going to closed session, **unless**: *(GC 11125.7)*
 - a. The public was provided an opportunity to comment at a previous meeting and the item has not substantially changed since the last meeting.
 - b. The subject matter is appropriate for closed session.
5. A BSIS staff member must be present during all closed sessions during the meeting to record minutes of the topics discussed and decisions made. *(GC 11126.1)*
6. During a DRC meeting, an emergency closed session is not allowed. *(GC 11126.3)*
7. The Meeting Agenda will include an item entitled "Agenda Items for Future DRC Meetings" to provide DRC members and the public the opportunity to request a specific item for a future meeting. Issues raised under this Agenda item should be discussed only to the extent necessary to determine whether they should be included as an Agenda item for a future meeting.

GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)

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BAGLEY-KEEN OPEN MEETING ACT

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**GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)**

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2017. Please disregard all previous Guides to the Bagley-Keene Open Meeting Act (distributed prior to January 15, 2017) on this subject.

All statutory references are to the Government Code.

I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give timely and sufficient public notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

Section 11121 defines the "state body" that is subject to the Bagley Keene Act.

Unless specifically excluded by statute, a "state body" is defined as a state board, commission or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order; or a

board, commission committee or similar multimember body that exercises any authority, delegated to it by that state body; or an advisory commission, an advisory board, advisory committee, advisory subcommittee or similar multimember advisory body of a state body, if created by formal action of the state body or any member of the state body, and if the advisory body so created, consists of three or more persons. Effective April 1, 2016, the definition of "state body" was amended to include the State Bar of California, as described in Section 6001 of the Business and Professions Code. Notwithstanding subdivision (a) of section 11121.1, amended effective April 1, 2016, the State Bar is subject to the Bagley-Keene Open Meeting Act and the California Public Records Act. (§ 11121(e))

II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

A. Definition of a "Meeting"

"Meeting" is defined in the Act as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b) (1)).

B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** "a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body." (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))

- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official of a state agency from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency's subject matter jurisdiction – with the limitation that the person cannot communicate to members of the legislative body, the comments or position of any other member of the legislative body. (§11122.5(b)(2))

C. Board and Committee Meetings

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not exercise any authority of a state body delegated to it by that state body. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

[Restriction on Attendance at Committee Meetings] The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members of the board who are not members of this committee may be attending the meeting only as observers."

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of "state body" in Section 11121(c)."

III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a "special" meeting, or an "emergency" meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

A. Regularly Scheduled Meetings

1. Who May Hold a Regularly Scheduled Meeting

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

2. Purposes for Which the Meeting May be Held

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board's licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.

3. Notice Requirements for a Regularly Scheduled Meeting

a. Board Meetings

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice." (§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. (§11125(f)) We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting _____ at (916) _____ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc., without specifying the particular matters thereunder, lack sufficient specificity to meet the standards of the Open Meeting Act and cannot be used to circumvent the notice requirement of a specific agenda. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate under the circumstances.

* * *

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be acted on or discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

It must be reiterated that no action may be taken on any such item and discussion is limited to that which is necessary to make the determination as to whether the item will be added to a future board agenda.

While neither the California Victim Compensation Board nor the Government Claims Board are within the Department of Consumer Affairs, any hearing conducted by either of these boards, pursuant to Section 13963.1 and neither representative requests the hearing be open to the public, the notice, agenda, announcement or report need not identify the applicant. (§11125.8)

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so choose.

b. Committee, Subcommittee or Task Force Meetings

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) You may elect to send such notice to those persons on your regular mailing list.

Remember, you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board, and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

4. Specific Requirements for Regularly-Scheduled Meetings

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

B. "Special" Meetings

SB 95 of 1997 created a new category of meeting, identified as a "special" meeting.

1. Who May Hold a Special Meeting

A board, committee, subcommittee or task force may hold a special meeting.

2. Purposes for Which a Special Meeting May be Held

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

* * *

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

3. Notice Requirements for a Special Meeting

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 "would impose a substantial hardship on the state body or where immediate action is required to protect the public interest." (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency's meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing

notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business other than that noticed may be transacted. Notice is required even if no action is subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

4. Specific Requirements During Special Meetings

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

5. Specific Prohibitions on Holding a Special Meeting

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

C. "Emergency" Meetings

1. Who May Hold an Emergency Meeting

A board, committee, subcommittee or task force may hold an emergency meeting.

2. Purposes for Which an Emergency Meeting May be Held

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

"(1) Work stoppage or other activity that severely impairs public health or safety, or both.

"(2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

3. Notice Requirements for an Emergency Meeting

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

4. Specific Requirements for an Emergency Meeting

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- * Minutes of the meeting
- * A list of persons notified, or attempted to be notified, of the meeting
- * Any action taken at the meeting
- * A copy of the rollcall vote on action taken (§11125.5(d))

5. Specific Prohibitions on Holding an Emergency Meeting

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

IV. CLOSED SESSIONS

A. Purposes for Which Closed Session Can be Held

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes:

1. Personnel Matters

A board may meet in closed session to "... consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing ... which notice shall be delivered to the employee personally or by mail at least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

2. Examination Matters

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

3. Matters Affecting Individual Privacy

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

4. Administrative Disciplinary Matters

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act. (§11400, *et seq.*; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

5. Board of Accountancy Matters

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

6. Pending Litigation

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

7. Response to Confidential Final Draft Audit Report

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

8. Threat of Criminal or Terrorist Activity

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

9. Advisory Bodies/Committees May Meet in Closed Session

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126(f), (4)-(6))

10. Open Session Otherwise Required

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

B. Notice and Reporting Requirements for Closed Sessions

1. Notice of Closed Session

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

"Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above,

also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

"A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

V. MEETING BY TELECONFERENCING

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

Effective January 1, 2015, subdivision (c) was added to Government Code section 11123 to require that any action taken and the vote or abstention on that action of each member present for the action be publicly reported by the state body. (Stats. 2014, Chapt.510; AB 2720)

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting. (§11123(b)(2))

VI. DELIBERATIONS AND VOTING

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly. (§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

A. Seriatim Calls to Individual Agency Members Prohibited

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (*Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the *Stockton Newspapers, Inc.* case, the court in *Sutter Bay Associates v. County of Sutter* held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4th 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members "to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency." (Emphasis added.) (§11122.5(b))

B. E-Mail Prohibition

Section 11122.5 was amended by Stats. 2009, c. 150 (A.B. 1494) to provide:

(b)(1) A majority of the members of the state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state

agency, if that person does not communicate to members of the legislative body the comments or position or any other member or members of the legislative body.

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.

Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

C. Secret Ballot Prohibited

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

D. Voting by Proxy Prohibited

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

E. Use of Electronic Devices During Meeting

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

"You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format."

F. Voting by Mail on Administrative Disciplinary Matters

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

G. Recording and Reporting Votes

Beginning January 1, 2015, for each item on which a vote is taken, the minutes must contain a record of how each member voted on that action item. (For example, Yes – Members A, B, & C; No – Members D & E; Abstain – Member F.)

VII. MISCELLANEOUS PROVISIONS

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

A. Conforming Board Member's Conduct

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

B. Providing Open Meeting Act to New Board Members

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

C. Prohibition on Placing Conditions on Public's Attendance

1. Sign-in

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

2. Discrimination in Admittance to Meeting Facility

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

3. Access for the Disabled

All meetings must be accessible to the disabled. (§11131)

4. Charging a Fee or Requiring a Purchase for Access

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

D. Agency Recording of the Proceedings

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

E. Public's Right to Record the Proceedings

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute a persistent disruption of the proceedings. (§11124.1(a))

F. Media Broadcast of the Proceedings

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

G. Webcasting

Whether or not webcasting is required, if your meeting is webcast, it is our recommendation that you place the following statement on your agenda:

"While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources."

H. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that "All times indicated and the order of business are approximate and subject to change," to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that "Items scheduled for a particular day may be moved to an earlier day to facilitate the board's business." Again, the purpose may not be to frustrate public or other input.

I. Opportunity for Public Comment at Meetings

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency's discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

Section 11125.7 was amended, effective June 27, 2016 to provide an equal time provision when the state body limits the time for public comment, by requiring the state body to provide at least twice the allotted time to a member of the public who uses a translator. This amendment is to ensure that non-English speakers receive an equal opportunity to address the state body when simultaneous translation equipment is not used. (Stats of 2016 chapt. 31 SB 836)

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

VIII. DISCLOSURE OF DOCUMENTS

A. Documents Distributed Prior to the Meeting

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

B. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

C. Charging a Fee for Public Documents

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

IX. PENALTIES

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open

Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor." (Emphasis added.)

ALARM COMPANY OPERATOR DISCIPLINARY REVIEW COMMITTEE RULES OF ORDER

All committee meetings will be conducted according to the Private Security Disciplinary Review Committee Rules of Order (Rules of Order). These rules are meant to be used as tools to help make orderly, collective decisions in a cooperative, respectful way. Committee members should be familiar with these Rules of Order and conduct themselves accordingly.

Committee Chairperson Selection

Committee members shall select a Chairperson to preside over the meetings for a one-year term. However, there is no restriction on the number of terms a Chairperson may serve and committee members may change the selection of a Chairperson at any given time by noticing the event on a meeting agenda and by a majority vote of the committee. The committee should also establish a Vice Chairperson in case the Chairperson is absent or must disqualify themselves from any item before the committee. The selection of both the Chairperson and Vice Chairperson shall be conducted by an official vote of the committee and the motion and vote shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

If neither the Chairperson nor Vice Chairperson is present, an Acting Chairperson will be selected by an official vote of the members present with the motion and vote carried out in accordance with the "Meeting Motions" section of these Rules of Order. However, the committee may not proceed as a formal committee if it does not have a quorum (see Item 2 under Opening the Committee Meeting Section).

It should be noted that the Chairperson, Vice Chairperson, or Acting Chairperson has no more authority than any other DRC member regarding participation in the decision of an appeal. The Chairperson, Vice Chairperson or Acting Chairperson is responsible for conducting the meeting in accordance with these Rules of Order, maintaining order during the meeting, and assuring that all persons before the committee are treated impartially and courteously.

Meeting Motions

When a motion is made, the committee members who made and seconded the motion, and the official committee vote on the motion are to be recorded for the Meeting Minutes. A decision is reached by a majority vote of the committee. In the case of a tie vote on a motion relating to a respondent's appeal, the Bureau's decision to deny, suspend or fine the respondent stands.

Opening the Committee Meeting

1. The Chairperson shall conduct a roll call of the members present to establish a quorum. Each committee member must verbally acknowledge their presence for the Meeting Minutes.
2. Upon establishment of a quorum, the Chairperson must note the official time the meeting is called to order and the time is recorded for the Meeting Minutes.

If a quorum is not established, but is expected to be established within a short time from the commencement of the meeting (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal review heard later when the quorum is established, or request the review be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal review, in closed session, at a time deemed appropriate by the committee chair. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the case. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals -- respondent and their witness(es) or representative as well the committee members -- are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

3. The Chairperson shall note for the record that the meeting will be conducted in the order of the Agenda of the meeting's Public Notice. A motion must be made to modify the Agenda item listing the respondents scheduled to appear before the committee to hear their appeals in accordance with the respondents' sign-in sheet. The motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.
4. A motion should be made to adopt the Minutes from the previous DRC meeting and the motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

Review of a Respondent's Appeal

1. While respondents are to be heard in sign-in order, a motion can be made to hear a respondent out of order for hardship situations only upon motion and vote of the Committee. Any motion made shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.
2. At the beginning of each review, the Chairperson must read, for the record, the respondent's name and corresponding item number from the meeting's Agenda even if the respondent is being heard out of Agenda order or providing written testimony.

3. A committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality in accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 55).
4. Chairperson shall use the *Disciplinary Review Committee Chairperson's Instructions* (Attachment 1 of the Disciplinary Review Committee Reference and Procedures Manual) to carry out the review.
5. Chairperson will ensure that all committee members present are afforded the opportunity to ask questions or provide comments on any item on the meeting's Agenda.
6. Upon conclusion of each respondent's appeal review, the Chairperson will state for the record that the meeting is going into Closed Session.

Closed Session Deliberations

1. Only committee members and permitted Bureau staff are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision making, but may answer procedural questions and shall record the minutes of the closed session as required by Section 11126.1 of the Government Code.
2. Closed Session Minutes are confidential. Members cannot discuss closed session items in open session or in public, even with other members.
3. The motion to affirm, rescind, or modify the Bureau's initial decision shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order. The Committee shall render a decision on every appeal noted on the Agenda, including those involving respondents who did not appear. Exception: Respondents who opted not to present their case due to lack of a quorum.

NOTE: The committee cannot issue a decision that includes a penalty more severe than the Bureau action under review such as increasing the amount of a fine. Further, when a fine amount is set by law (e.g., \$100.00 for the first violation) the committee cannot issue a decision that alters the fine amount.

Other Agenda Items

The Chairperson must establish for the record all respondents who did not attend the meeting by reading their name and corresponding item number from the meeting's Agenda and stating "no show."

The Chairperson must verbally recognize all remaining items on the Agenda on the Public Notice. Any motions made shall be carried out in accordance with "Meeting Motions" section of these Rules of Order.

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out during open session and in accordance with the “Meeting Motions” section of these Rules of Order.
2. The adjournment and time will be announced by the Chairperson and recorded for the Meeting Minutes.

Committee Member Expectation Guidelines

1. Review the cases prior to the hearings so you are familiar with the issues and prepared to make inquiries as needed.
2. Arrive at least 15 minutes before the meeting start time to allow for time to take care of any pending issues.
3. Speak audibly and clearly during the meeting to enable everyone in the room to hear and understand you.
4. During a respondent's review, be courteous, respectful, and provide your full attention to the person speaking whether it is the respondent, their attorney or witness(es), or another committee member.
 - Do not make inquiries or comments about a respondent's clothes or appearance UNLESS it is directly related to the issue(s) of the appeal.
 - Do not make inquiries or comments about a respondent's ability to speak/comprehend English unless it relates to determining the respondent's ability to comprehend procedural activities.
 - Do not question the education of a respondent UNLESS it is directly related to the issue(s) of the appeal.
 - Do not ask the respondent questions personal in nature unless it relates to rehabilitation (see guidelines for rehabilitation in the DRC manual).
 - Do not make inquiries into matters unrelated to the direct facts or issues of the case.
 - Do not make inquiries that relate to protected statuses. For example, "what is your religion or ethnic background?" or "are you a U.S. citizen?:"
 - Do not indicate either through words or demeanor that you and/or the committee may have already reached a decision or may be predisposed to a certain decision.
 - Do not use cell phones (including texting), laptops or any other telecommunication device that could give the impression that you are not providing your full attention to the appeal. **REMEMBER:** A person is more likely to accept the committee's decision if they believe they were heard, and treated impartially and respectfully.
5. Do not discuss an appeal case with another committee member before the review. Prior communication(s) could prejudice the review and could result in the committee's decision being challenged or nullified. Further, under certain circumstances, prior discussions could be subject to **Bagley-Keene Open Meeting Act** and **Public Records Act** (Act) requests. Violations of the Act may be a criminal offense. If you have a question regarding an appeal case, contact the DRU Manager or Bureau employee who staffs the committee.
6. You must recuse yourself from a review as soon as you become aware of factors that could affect your impartiality or could be perceived as affecting your impartiality. These factors may include but are not limited to a prior or current work-related or personal relationship with the applicant or licensee. If you recuse yourself, do **NOT** make any statements to the other committee members regarding the respondent or issues relating to the appeal. You are only to state, for the record, that you are recusing yourself from the review due to a conflict. The member's name and the act of recusal shall be recorded in

the Meeting Minutes. Once you recuse yourself from a review, you MUST leave the room during testimony to prevent accidental participation such as through body language. Further, you are NOT permitted to be in the room during closed session.

NOTE: If you determine that you will need to recuse yourself from a review prior to the day of the hearing, immediately contact designated Bureau staff. This information is important to identify a potential lack of quorum for the case.

7. Committee members should respect the Chairperson's right to control the process of the meeting. Only one matter will be before the committee at any time and no other discussion is in order.
8. Remember, your comments and/or actions could impact any future proceedings on the appeal. For this reason, you are not to discuss the nature of appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to an administrative or court proceeding for any case heard by the committee, they MUST immediately notify the DRU Manager and Bureau staff who oversee the DRC activities.

Criteria for Evaluating Rehabilitation

The following information is provided to assist members with decisions relating to rehabilitation.

CALIFORNIA CODE OF REGULATIONS, TITLE 16, Division 7, Section 602.1

When considering the denial, suspension, revocation or reinstatement of a license for which application has been made under Chapter 8.5, 11, 11.3, 11.4, 11.5 or 11.6 of the Code on the ground that the applicant, licensee, or petitioner has been convicted of a crime, the bureau shall consider whether the applicant, licensee, or petitioner made a showing of rehabilitation if the applicant, licensee, or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the bureau shall consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant, licensee, or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

If the applicant, licensee, or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, the bureau determines that the applicant, licensee, or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial, suspension, revocation, or reinstatement is based on professional misconduct, or the denial, suspension, revocation, or reinstatement is based on one or more of the grounds specified in Sections 6980.45, 6980.47, 6980.71, 6980.73, 6980.74, 7503.5, 7504.1, 7505.3, 7506.8, 7506.14, 7507, 7510.1, 7538, 7538.5, 7561.1, 7561.3, 7561.4, 7564.1, 7574.15, 7574.31, 7582.19, 7582.23, 7582.24, 7582.25, 7583.15, 7583.16, 7583.21, 7583.42, 7587.1, 7587.3, 7587.4, 7591.8, 7591.10, 7598.12, 7599.32, and 7599.61 of the Code, the bureau shall apply the following criteria in evaluating an applicant, licensee, or petitioner's rehabilitation:

- (1) The nature and severity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) If applicable, evidence of proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) The criteria in subdivision (a)(1) through (5).
- (8) The total criminal record.

Penal Code Section 1203.4

If an individual has fulfilled the conditions of probation, they may petition the court and be granted an Order of Dismissal under Penal Code Section 1203.4. This section allows a plea of guilty or nolo contendere to be put aside and a plea of not guilty to be entered.

Business and Professions Code Section 480(c) provides, as follows: "Notwithstanding any other provisions of the code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal."

Minimum Requirements for Licenses Regulated by the Alarm Act

Alarm Agent Registration (BPC Sections 7590.5 and 7598.6)

1. 18 years of age

Alarm Company Qualified Manager (BPC Section 7599)

1. 18 years of age
2. Possess at least two years (not less than 4,000 hours) of paid experience in alarm company work or the equivalent thereof as determined by the Bureau Chief.
3. Pass the required examination

Alarm Company Operator License (BPC Sections 7590.5 7593, 7593.1, 7593.2, 7593.3, 7593.4 7593.5 and 7599.23)

1. 18 years of age
2. License must be associated with an Alarm Company Qualified Manager Certificate Holder (can be the applicant or another individual).
3. Business organized as a sole owner, partnership, corporation or LLC.
4. An LLC licensee with five or fewer members must maintain a minimum of \$1 million liability insurance policy. If the LLC licensee has more than five members, an additional \$100,000 of coverage is required for each additional member up to a maximum of \$5 million.
- 5.

Firearms Permit -- Initial (BPC 7596 and 7596.3)

1. Completed the 8-hours Power to Arrest Course
2. Completed a BSIS Firearms Training Course as prescribed in Title 16, Division 7, Section 635 of the California Code of Regulations (Attachment 8, page 61).
3. Not prohibited by the Department of Justice from possessing a firearm

Firearms Training Course - California Code of Regulations §635

(a) Each applicant for an initial firearms permit shall complete classroom training related to the use of firearms, as outlined below, and complete and successfully pass an examination. Classroom training shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility. The following outline includes the minimum subjects which shall be taught and the minimum length of time which shall be devoted to each subject. Classroom training shall be completed before range training and before any attempt at range qualification.

FIREARMS TRAINING OUTLINE Recommended Instruction Sequence

<i>Subject and Objective</i>	<i>Length of Time</i>
I. Registration (Classroom)	
A. Administration. Objective: to enroll individual in course.	1/2 hour
1. Check individual identification	
2. Check individuals Bureau registration status	
3. Course admission and discussion	
B. Laws and regulations for issuing a firearms permit.	1/2 hour
Objective: to familiarize and instruct individual on the laws, regulations, other requirements, and the administrative process for issuing a firearms permit and renewals.	
II. Moral and Legal Aspects (Classroom)	
A. Laws regarding possession and carrying of firearms.	1/2 hour
Objective: to familiarize and instruct individual on the applicable laws relating to the possession and carrying of firearms while working as an armed security guard.	
1. Penal Code sections	
2. Government Code sections	
3. Bureau statutes and regulations	
4. Instructor examples	
B. Laws and standards regarding use of deadly force.	2 hours
Objective: to familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.	
1. Penal Code sections	
2. Government Code sections	
3. Bureau statutes and regulations	
4. Instructor examples	
C. Avoidance of deadly force--The de-escalation of force.	2 hours
Objective: to familiarize and instruct individual on the role of the firearms permit holder, the role that deadly force may play and when and how to de-escalate the use of deadly force.	
D. Shooting incidents.	1 hour
Objective: to familiarize and instruct individual on what is likely to happen in a shooting incident and how a firearms permit holder should act to minimize the use of deadly force.	
E. Effects of firearms use.	1/2 hour
Objective: to familiarize and instruct individual on how and why bullets travel and what implications this has on the use of deadly force.	
III. Firearms Nomenclature, Maintenance (Classroom)	
A. The revolver and semi-automatic, ammunition, parts and nomenclature.	1 hour
Objective: to familiarize and instruct individual on the principles and operation of weapons, the differences between weapons and how to care for a weapon.	
1. Picture of revolver and semi-automatic with parts identified	
2. Revolver and semi-automatic, parts and description	
3. Picture of ammunition with parts identified	
4. Ammunition parts and description	

B. Firearms safety, general.

1 hour

Objective: to familiarize and instruct individual on how to safely fire, wear and store the weapon while on the firing range, or on duty or off duty.

1. General safety rules
2. Specific safety rules
3. Safety at home and off duty
4. Transporting the weapon to the range
5. Carrying the weapon on duty
6. Suggested eye and ear protective equipment
7. Inspection, cleaning, and maintenance
 - a. General information
 - b. Inspection
 - c. Cleaning
 - d. Cleaning kit
 - e. To clean the weapon
 - f. Check list

IV. Weapon Handling and Shooting Fundamentals

1 hour

Objective: to familiarize and instruct individual on the fundamentals of marksmanship and the handling of weapons.

- A. Weapon fundamentals, general differences between handguns
- B. Loading/Unloading
 1. Proper loading procedures
 2. Proper loading procedures (right handed)
 3. Proper unloading procedures (right handed)
 4. Proper loading procedures (left handed)
 5. Proper unloading procedures (left handed)
 6. Loading devices
- C. Proper positions
 1. Point shoulder position
 2. Standing, barricade or supported position
 3. Kneeling position
 4. Sitting position
 5. Prone position
 6. Cover and concealment
 7. Bouncing bullets
- D. Grip
 1. Two-handed grip

- E. The draw
 - 1. General information
 - 2. The holster and the draw
 - F. Shooting Fundamentals
 - 1. Sight alignment
 - 2. Trigger squeeze (control)
 - a. Single action
 - b. Double action
 - c. Count your shots
 - d. Anticipation
 - e. Dry firing
 - 3. Establishing the Dominant Eye
- V. Examination 1 hour

(b) In addition to completing and successfully passing an examination related to the use of firearms, each applicant for an initial firearms permit shall complete range training as outlined below. Range training shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

Range Training Outline

- VI. Range Preparation (Classroom) 1 hour
- Objective: individual will review range safety and the fundamentals of marksmanship and deployment of weapons. In addition, the individual will review requirements for the use of deadly force.
- A. Range location
 - B. Equipment needed
 - C. Course of fire (explanation)
 - D. Targets, scoring explanation
 - E. Range commands (explanation)
 - F. Use of deadly force
- VII. Range Training As needed
- Objective: to instruct individual in the safe and accurate use of a firearm until such time as the individual demonstrates to the instructor that he or she can safely draw and fire the weapon and has a high likelihood of passing the qualification course.
- A. Instructions
 - B. Drawing and holstering practice
 - C. Dry firing
 - D. Loading and reloading procedures

(c) After completing both classroom-based firearms training and range training, each applicant for an initial firearms permit shall complete range qualification. The applicants initial range qualification shall only be completed by firing live ammunition and shall not be completed with a firearm simulator. The applicant must complete each range qualification with the same caliber of weapon that will be listed on the firearms permit and carried by the permit holder while on duty. If the applicant seeks to qualify for more than one caliber of weapon, the applicant must complete a range qualification for each additional caliber to be listed on the firearms permit. Each Range qualification shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

VIII. Range Qualification

Objective: individual shall pass a range qualification based on his or her demonstrated use of a weapon.

- A. Course of fire. Each individual shall discharge 50 rounds a minimum of 2 times according to the following schedule: (All stages are unsupported.)

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6,6 and 2) *6 standing position *8 kneeling position
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and 6) *6 strong hand unsupported (reload and switch hands) *6 weak hand unsupported
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

- B. Scoring. The first course of 50 rounds discharged shall be considered practice. The second course of 50 rounds discharged shall be used for scoring.
1. Silhouette targets shall be used. A 5 point score shall be granted for each round discharged inside of the seven (7) ring (center mass) as specified in Section 635.1.
 2. Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment.
 3. Each individual shall be informed whether his or her score passes or fails.

(d) A Bureau-approved Firearms Training Instructor conducting the range qualification must certify under penalty of perjury that an initial firearms permit applicant completed the required range qualification using live ammunition and provide a signed copy of the qualification documentation to the applicant.

Authority cited: Sections 7515, 7581, 7585, 7585.6 and 7591.6, Business and Professions Code. Reference: Sections 7542, 7583.22, 7583.23, 7583.37, 7596, 7596.3 and 7599.40, Business and Professions Code.

Biennial Renewal of Firearms Permit - California Code of Regulations §633

(a) An applicant shall complete and pass the review training course on the laws and standards regarding use of deadly force, avoidance of deadly force, and de-escalation of force, as outlined below. All required classroom training shall be completed prior to attempting each range qualification. Training regarding use of deadly force and avoidance of deadly force shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

Review Training Outline

<i>Subject and Objective</i>	<i>Length of Time</i>
A. Laws and standards regarding use of deadly force. Objective: to familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.	1 hour
1. Penal Code sections	
2. Government Code sections	
3. Bureau statutes and regulations	
4. Instructor examples	
B. Avoidance of deadly force--The de-escalation of force. Objective: to familiarize and instruct individual on the role of the armed security guard, the role that deadly force may play and when and how to de-escalate the use of deadly force.	1 hour

(b) The permit holder shall complete a range qualification by firing fifty (50) rounds with a passing score:

(1) On two (2) separate occasions, at least four months apart, within each twelve-month period before the permit expires, and

(2) With at least one (1) of the range qualifications in each twelve-month period completed using live ammunition.

(3) Permit holders must complete each required range qualification for each caliber of firearm listed on the permit.

(4) Scoring: Silhouette targets as described in Section 635.1 shall be used. A 5 point score shall be granted for each round discharged inside of the seven (7) ring (center mass). Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment. Each individual shall be informed whether his or her score passes or fails.

Course of Fire

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6, 6 and 2)
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and 6) *6 strong hand unsupported (reload and switch hands)
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

(c) The application for the renewal of a firearms permit shall include the following proof and information:

(1) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed and passed each range qualification. Each Bureau-approved Firearms Training Instructor administering the range qualification must certify under penalty of perjury the method (live ammunition or firearm simulator) in which each range qualification was completed and provide a signed copy of the requalification documentation to the applicant.

(2) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed the review course prior to each range qualification.

(d) A Reserve Peace Officer is exempt from the firearms requalification requirements providing he/she submits documentation of firearms proficiency provided by the Law Enforcement entity with which he/she is associated, with their proof of renewal. This documentation must be submitted with the request for renewal of the firearms permit.

Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code. Reference: Sections 7542, 7583.32, 7596.7 and 7599.40, Business and Professions Code.

**PRIVATE INVESTIGATOR
DISCIPLINARY REVIEW COMMITTEE
REFERENCE AND PROCEDURES
MANUAL**

July 2023

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INTRODUCTION

History

The Private Investigator Disciplinary Review Committee (DRC) was established, for the purpose of considering appeals from private investigator licensees of the Bureau's denials and revocations as well as the assessment of administrative fines. Each DRC consists of five members appointed by the Governor with three members actively engaged in the business of a license private investigator and two members from the general public.

Bureau and Department of Consumer Affairs Mission and Core Values

The Bureau's 2017-2021 Strategic Plan identifies the Bureau's mission as: *To protect and serve the public and consumers through effective regulatory oversight of the professions within the Bureau's jurisdiction.*

The Bureau's Core Values are:

- **Accountability**
- **Consumer Protection**
- **Customer Service**
- **Effectiveness**
- **Integrity**
- **Professionalism**
- **Teamwork**
- **Equity**

Appointment of Committee Members

As a Governor appointee, DRC members are representatives of the Governor and their administration. A DRC member is expected at all times to conduct themselves in a respectful, impartial, professional and courteous manner when participating in any DRC meeting or activity. As a reminder, members serve at the pleasure of the Governor and a DRC appointment may be terminated at any time for misconduct, incompetence, or neglect of duty.

Member Per Diem

Pursuant to Business and Professions Code Sections 7519.1(c) and 103, a DRC member is paid a \$100 per diem for each day actually spent in the discharge of official duties. Accordingly, if a DRC appeal meeting is scheduled for one day, a DRC member will receive one day per diem to review the case files and one day per diem to attend the meeting. If a DRC appeal meeting is scheduled for two days, a member will receive two days per diem to review the case files and two days per diem to attend the meeting. In regard to other DRC-related training or activities, a DRC member will receive one day per diem for each day he/she is involved in a DRC training or activity. A DRC member is also entitled to reimbursement for travel and other necessary expenses related to attending a DRC-related meeting or activity.

Duties of Committee Members

The DRC provides an applicant or licensee an alternate process to appeal the Bureau's decision relating to denials, suspensions, revocations, and the Bureau's imposition of administrative fines for the security industries. Specifically, Business and Professions Code Section 7519.2 states:

- (a) The Private Investigator Disciplinary Review Committee shall perform the following functions:
 - (1) Affirm, rescind, or modify all decisions concerning administrative fines assessed by the bureau against private investigators that are appealed to the committee.
 - (2) Affirm, rescind, or modify all decisions concerning denial, suspension, or revocation of licenses or permits issued by the bureau, except denials, suspensions, or revocations ordered by the director in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that are appealed to the committee.
- (b) The committee may grant a probationary license with respect to the appealed decisions described in subdivision (a).
- (c) This section shall become operative on July 1, 2017.

The other appeal process option available is a hearing before an Administrative Law Judge with the Office of Administrative Hearings. However, if the matter is appealed to a DRC and the respondent disagrees with the DRC decision, they have the option to appeal the DRC decision to an ALJ.

Committee Resignations

If a DRC member wishes to resign from the DRC, the member must provide a letter of resignation to the Governor's Office stating that they no longer wish to serve on the DRC. A copy of the letter of resignation must also be submitted to the Director of the Department of Consumer Affairs and the Bureau Chief.

PRE-MEETING DAY ACTIVITIES

Scheduling Meetings

DRC meetings must be scheduled every 60 days; however, the frequency may be more or less depending on the number of appeals received (Business and Professions Code section 7519.1(c)). All meetings are subject to the requirements of the Bagley-Keene Opening Meeting Act and, accordingly, are publically noticed with an agenda of the scheduled appeals and other items to be considered during the meeting.

Upon receipt of a licensee's or applicant's (hereafter referred to as "respondent") appeal request, Bureau staff schedule the review for an upcoming meeting and mail the respondent information about the meeting and what to expect when attending the DRC meeting. Additionally, Bureau staff will post the meeting's notice on the BSIS public website in accordance with the **Bagley-Keene Open Meeting Act** (Attachment 2 and 3 on pages 16 and 17).

The number of appeals scheduled for a meeting is based on an average case review time of 20 minutes. Given this timeframe, committee members need to be focused and on point in their actions and inquiries during an appeal. This requires each member to have reviewed the case documents in advance to be sufficiently knowledgeable of the history and

circumstances. **NOTE:** Historically, not all respondents show up for their scheduled appeals. For this reason, having a case or two run slightly longer than 20 minutes, due to their complexity or other extenuating factors, should not create hardships relative to the overall meeting day.

Case Files to DRC Members

Approximately ten days before a scheduled meeting, Bureau staff sends each DRC member the case files for each appeal to be heard during a meeting via the FedEx service. Each file contains the pertinent information the Bureau considered in reaching its decision on the applicant/licensee. Bureau staff will send each DRC member an email notifying them that the case files have been mailed and the date they were mailed. Given that the case files may contain information restricted by law or otherwise confidential, it is imperative that committee members handle the documents accordingly and immediately notify the Bureau if the files are misplaced or are not received from the delivery service. If a DRC member does not receive the case files package within 2-3 days of the notification of them having been mailed or if the case files could have been subject to any unauthorized access, **he/she must immediately notify the Bureau of this fact** by sending an email to Bureau staff who oversees DRC activities.

It is the responsibility of each DRC member to promptly notify the Bureau's Bureau staff who oversees DRC activities immediately of any change of their mailing address.

If a committee member has a question regarding any scheduled appeal prior to the meeting, he/she should contact the DRU manager or the Bureau staff who oversees DRC activities.

Committee members must not discuss an appeal with external parties or another committee member before the meeting by any means or method. Prior communications could prejudice the appeal review and could result in the committee's decision being challenged or nullified. Under certain conditions, prior discussions also may be subject to the **Bagley-Keene Open Meeting Act** requirements and **Public Records Act** requests.

MEETING DAY PROCEDURES

All DRC meetings must be carried out in accordance with the **Bagley-Keene Open Meeting Act** (Attachments 2 and 3 on pages 16 and 17), the committee's **Rules of Order** (Attachment 4 on page 45), the **Committee Member Expectation Guidelines** (Attachment 5 on page 49) and the **Chairperson's Instructions** (Attachment 1 on page 13).

Meeting Date Expectations

The meetings generally begin at 9:00 a.m. with the length depending on the number of appeals scheduled to be heard. One or more Bureau staff members will be present at each scheduled meeting to answer questions DRC members may have with regard to Bureau laws, regulations, policies and procedures, and to facilitate the proceedings. Department representatives from the Executive Office or Legal Affairs Office may also attend the meetings. Lastly, the Bureau may arrange for law enforcement personnel to attend DRC meetings.

The meeting notice/agenda lists the respondents to be heard during the meeting. However, reviews are heard in order of sign-in by respondents on the "Respondent Sign-In" sheet located in the designated waiting room. The committee may hear a case out of sign-in order due to hardship-related circumstances. The committee will consider these requests on a

case-by-case basis. In addition, since the Bagley-Keene Act requires agenda items to be taken up in agenda order, at the beginning of each meeting a motion must be made and adopted by the committee to allow respondents to be heard in sign-in order. This motion must be carried out in accordance with the committee's Rules of Order (Attachment 4, page 45).

Prior to the committee members calling the meeting to order, Bureau staff will check-in the respondents, review their photo identification to confirm identity, and answer any questions they and/or their representatives may have. Additionally, Bureau staff will advise respondents and their witnesses and/or representatives that weapons are not allowed in the meeting room or the waiting room.

Meal and Rest Periods

DRC members are not employees of the state and not subject to requirements relating to meal and rest periods. However, the Bureau staff who serve as the DRC facilitator and scribe are represented employees and may be granted a minimum 30-minute lunch break. Accordingly, rest and meal periods should be taken as needed and/or upon request of Bureau staff.

Commencing a Meeting – Quorum

DRC meeting proceedings are carried out in accordance with the committee's **Rules of Order** (Attachment 4 on page 45). In accordance with the **Rules of Order**, a minimum of three DRC members are needed to establish a quorum of the committee. Bureau staff works closely with committee members to ensure attendance at each meeting is sufficient to establish a quorum. If for any unforeseeable reason a quorum is not established at the onset of a meeting, but is expected to be established within a short time (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal heard later when a quorum is established, or request the review to be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal, in closed session, at a time deemed appropriate by the Chairperson. However, a member who was not present during the appeal may NOT participate in the deliberations unless he/she has heard the recording of the proceedings prior to the deliberation of the appeal. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals – respondent, their witness(es) or representative as well the committee members – are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

Threatening Behavior by Respondent/Representative/Member of the Public

If a respondent, their representative or witness, or a member of the audience becomes unruly or threatens any committee member, Bureau staff, or another meeting attendee, the

Chairperson shall pause the meeting and address the situation. If appropriate, the meeting should be adjourned and committee members and Bureau staff leave the room. If present, law enforcement personnel assigned to monitor the meeting will take over the matter. If no law enforcement is present, law enforcement personnel may be summoned by calling 911.

APPEAL REVIEW PROCEDURES

Committee Introductions

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 13), at the beginning of each review, the Chairperson will introduce the committee members, advise that the members are appointees of the Governor, and briefly explain the responsibilities and purpose of the DRC.

Respondent's Witnesses/Representation

The respondent may present their appeal or be represented by an attorney or other person. If represented, the respondent is still responsible for presenting his appeal. A representative may not testify to facts or events about which they do not have direct knowledge.

The Chairperson will swear in the respondent and, if applicable, their witness(es) to tell the truth. **NOTE:** Representatives (e.g., legal counsel, an interpreter, or any individual providing only moral or technical support) are not witnesses and, therefore, are not to be sworn in.

Bureau's Presentation of Case Facts

The Chairperson will request Bureau staff to state the facts of the case by reading the Bureau's prepared statement for the appeal. The Bureau's statement for the appeal is provided to the committee as part of the background document and includes the respondent's deniable convictions, explanations of the code sections referenced, a brief explanation of the license type the respondent is applying for, and the circumstances the Bureau considered when evaluating rehabilitation.

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 13), the Chairperson will ask the respondent if they have any objections to the official notice.

- If the respondent has no objections, the Chairperson will note that the committee takes official notice of the information presented and proceed with the review.
- If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections and the Chairperson shall note the objections for the record.
- If the respondent has objections to the crime being substantially related to the applicable license type, the committee must hear the objections, the Chairperson shall note the objection for the record, and the review should proceed.
- If the respondent has objections to the accuracy of the Bureau's findings relating to the issuance of a fine, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.
- If the respondent has objections relating to the statutory requirements for licensure or their experience relative to the statutory requirements, the committee must hear the

objections, the Chairperson shall note the objections for the record, and the review should proceed.

NOTE: Preponderance of the evidence means “more likely than not” or “at least 50% plus any additional measure.”

Respondent’s Testimony

The review provides the respondent the opportunity to tell the committee their version of the relevant events of their conviction(s), the acts or circumstances relating to the Bureau’s issuance of fine(s), or their experience as it relates to the statutory requirements for licensure. Below are some of the Chairperson responsibilities to facilitate this effort.

1. The Chairperson will ask the respondent for the reason(s) why they believe the decision of the Bureau should be modified or rescinded.
2. The Chairperson may advise the respondent or their witnesses when testimony is repetitive or unrelated to the case, and may guide and advise the respondent and/or representatives so testimony given will assist the committee in reaching a decision.
3. The Chairperson may discontinue a respondent’s or their witnesses’ testimony if it is irrelevant and relevant testimony does not appear to be forthcoming.
4. If Counsel or a representative for the respondent is present, the Chairperson should ask the Counsel/representative if they have anything to share. NOTE: There may be need to advise Counsel not to disrupt the review proceedings and to admonish Counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.
5. If it becomes apparent during a review that a respondent is having difficulty understanding the proceedings because they are not sufficiently fluent in English, the Chairperson should consider stopping the review and advising the respondent that Bureau staff will reschedule the review for a later meeting at which time the respondent is to bring an interpreter. Any cost associated with the services of an interpreter shall be the sole responsibility of the respondent. However, if the respondent elects to continue with the review, the Chairperson should allow the matter to proceed.
6. The Chairperson should not make any inquiries, or allow any committee member to make any inquiries, into inappropriate or irrelevant areas. Such inappropriate areas of inquiries include but are not limited to all protected statuses, receipt or not of governmental aid.

Purpose of Appeal Review

The purpose of the review is for committee members to obtain sufficient information on the appeal to make a determination on whether the Bureau’s decision to deny or suspend licensure, the Bureau’s decision to issue a fine or fines, or the Bureau’s decision that the respondent does not meet the experience qualifications as required by the Business and Professions Code should be affirmed, rescinded or modified. In making inquiries to obtain information, committee members should confine questions to those events and information on which the Bureau took its action and use good judgment to control the review length to ensure sufficient time for other respondents scheduled for the meeting.

It is not appropriate for a committee member to inquire on personal matters not related to the case, with the exception of those noted below relating to the respondent's rehabilitation efforts. If the respondent raises issues personal in nature, committee members must confine their responses, and subsequent inquiries should only be relevant to the events and information on which the Bureau took its action.

During all portions of the review, the committee shall accept any documents submitted by the respondent or the Bureau. The Chairperson must advise the respondent that documents submitted to the committee must be retained by the committee. (NOTE: The respondent is advised in their review notification letter that they may submit documents in support of their appeal, and that if the respondent submits the documents the day of the hearing they should be prepared to leave the documents with the committee. The documents must be retained by the committee, and provided to Bureau staff after the review, in the event the committee upholds the Bureau's decision and the respondent appeals his case to an administrative law judge.

The information below is provided to assist committee members in conducting the applicable review.

1. *Appeals of Denials Relating to Conviction(s)*: Committee members must obtain information from the respondent and their witnesses, if applicable, regarding the respondent's act(s) and/or behavior that led to the conviction(s), and the rehabilitation efforts the respondent has made since the conviction(s), which will be considered during their deliberations on the respondent's appeal. The committee is not to "retry" the case to determine if the respondent did or did not commit the act; this determination was made through the judicial process.
2. Committee members may make reasonable inquiries, including those personal in nature, relating to the respondent's rehabilitation if they are connected with the issues relating to the review. Appropriate questions include but are not limited to the activities the respondent has engaged in since the crime/act, the nature and level of responsibilities of such activities, lengths of employment, participation in appropriate rehabilitation programs (alcohol, drug abuse, child abuse), and changes in lifestyle which may have contributed to the crime/act.

When evaluating and making a determination as to whether or not the respondent has made a showing of rehabilitation, the committee should consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) The total criminal record.
- (7) The aggravating factors listed on the respondent's denial letter.

See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 51).

3. *Appeals Relating to Issuance of Fine(s)*: Committee members must obtain information from the respondent and/or their witnesses, if applicable, relating to the respondent's

specific act(s) or omission(s) that the Bureau determined to be a violation of the Private Investigators Act and gave rise to the issuance of the fine(s), which will be considered during their deliberations on the respondent's appeal.

4. *Appeals of Denials for Failing to Meet Required Experience or Training:* Committee members must obtain information and evidence from the respondent and their witnesses, if applicable, regarding the respondent's experience or training, which will be considered during their deliberations on the respondent's appeal.

Disqualification from a Hearing

In accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 53), a committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality. Committee members must adhere to the specific steps outlined in the Guidelines when recusing themselves from a review. NOTE: Recusal requires the member to have no involvement with the process. While the hearing portion is open to the public, a recused committee member MUST leave the room during testimony to prevent accidental participation such as through body language. Further, a recused committee member shall NOT be in the hearing room during closed session.

If a committee member recusing themselves from the review results in the committee no longer having a quorum, the review shall be carried out in accordance with the section in this document entitled "Commencing a Meeting – Quorum."

DELIBERATIONS – CLOSED SESSIONS

Following the conclusion of all testimony, the Chairperson shall call the committee into closed session. Only committee members and Bureau staff responsible for taking closed session minutes are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision-making, but may answer meeting-related procedural questions and shall record the minutes of the closed session activities, as required by Section 11126.1 of the Government Code (Attachment 2 on Page 16).

Making a Decision on the Appeal

Committee members should weigh the reasonableness and relevance of the evidence provided by the Bureau, and the reasonableness and relevance of the evidence and testimony provided by the respondent and the respondent's witnesses, if applicable. Committee members should only consider the facts provided and not make assumptions regarding what may have or may have not transpired. The burden of proof standards are as follows:

1. Denial of Licensure – Lack of Qualifying Experience: The burden of proof rests with the applicant. The applicant must show by "preponderance of the evidence" that he/she satisfies the specified statutory experience or training requirement for licensure.
2. Denial of Licensure – Substantially-Related Conviction: The burden of proof rests with the applicant. The applicant must show by preponderance of the evidence that the

conviction did not occur, the conviction is not substantially related to the duties of the license, or that he/she has rehabilitated and is fit for licensure.

3. Bureau Issuing a Citation/Fine: The burden of proof rests with the Bureau. By the “preponderance of the evidence” the Bureau must show that the licensee committed a violation of the Act.”

NOTE: Preponderance of the evidence means “more likely than not” or “at least 50% plus any additional measure.”

In rendering their decisions, committee members should also consider the Bureau’s and Department’s mission of protecting consumers and the public. Ultimately, each committee member is entrusted with making a decision of the respondent’s fitness for licensure, the respondent’s eligibility for licensure, or the appropriateness of the issuance of the fine(s) to the respondent. Fitness for licensure means that the respondent will be able to carry out the duties of the license in a manner that will likely not result in public or consumer harm.

Appeal of Denials Relating to a Criminal Convictions: The grounds for the committee rescinding the Bureau’s denial of licensure are based on the preponderance of the evidence substantiating that the respondent:

- Was not convicted of the crime(s);
- Was convicted of the crime(s), but the crime(s) and/or respondent’s act(s) leading to the conviction(s) are not substantially related; OR
- Was convicted of a substantially-related crime, but he/she proved rehabilitation to the extent that they demonstrate fitness for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau’s denial of the respondent’s application for licensure due to a criminal conviction.

1. *A Conviction was Not Sustained:* The committee should assess whether the respondent demonstrated that no criminal conviction was sustained. If the evidence presented by the respondent does not satisfy this burden of proof, then the Bureau’s official notice of the occurrence of a crime or act shall stand. **Note:** If respondent demonstrates that the conviction(s) for which they were denied a license have been set aside or dismissed pursuant to Penal Code section 1203.4 or any other provision of law, the committee may not presume that a conviction occurred.
2. *The Crime or Act is Substantially Related to the Duties of the License:* If a crime is associated to a significant extent with the qualifications, functions and duties of the license it is considered to be substantially related. Generally, a conviction or the act(s) leading to the conviction must be substantially related for the respondent to be denied licensure. The grounds for making a substantially related determination include the committee member’s knowledge and understanding of the responsibilities and qualifications of the licensee. If a committee member has a question regarding this determination when reviewing a case file prior to meeting day, they should email the DRU Analyst.
3. *Nature and Severity of a Substantially-Related Crime:* By law, a felony is a more severe crime than a misdemeanor. However, felonies often are pled down to misdemeanors and, therefore, committee members should not consider the classification of the crime as the sole indicator of the severity of a crime or act. Committee members also should

consider the nature and severity of the respondent's act(s) or behavior that led to the conviction including the resulting harm and/or damage to person, property or public.

4. *Rehabilitation*: For the purpose of making a decision of fitness for licensure, rehabilitation involves the extent that a respondent demonstrates the likelihood not to reoffend and that protection of the public would be maintained despite a prior conviction.

Appeals Relating to Issuance of Fine(s): The grounds for the committee rescinding the Bureau's issuance of a fine is based on the preponderance of the evidence demonstrating that the respondent did not violate the specified provision of the Private Investigator Act. The grounds for the committee modifying a fine the Bureau issued is based on the preponderance of the evidence substantiating that a violation of the Private Investigator Act occurred, the authorizing section of law providing discretionary authority on the fine amount, and the committee's determination as to appropriate fine amount. **NOTE: The committee does not have the statutory authority to modify fines set in statute.**

The following information is provided to assist committee members in deciding whether to affirm, rescind or modify the Bureau's issuance of a fine.

The Legislature established requirements for maintenance of the license and standards of conduct for licensees in the Private Investigator Act to help support public safety and consumer protection. As a means to promote licensees' compliance, the Legislature authorized the Bureau to issue fines for violations of these requirements and standards. Many fine amounts are established in law and the Bureau only needs to establish that the violation occurred. Other fines have a maximum amount that may be imposed, and the Bureau must establish that a violation occurred and determine a fine amount commensurate with the act(s) or omission(s) committed by the licensee.

Committee members should keep in mind that they are not determining whether the respondent's act or omission is acceptable or unacceptable. The Legislature determined the conduct and acts as unacceptable by identifying them as a violation of the Private Investigator Act, and authorizing the Bureau to issue a fine to promote compliance.

Some respondents may state that they were not aware of the requirement(s) or standard(s). This type of testimony does not establish a defense. The licensee or the licensee's qualified manager is responsible for being knowledgeable of the requirements in the Private Investigator Act, and ignorance of the law and its requirements is not a defense.

1. *Violation of the Act Occurred*: The Notice of Citation the Bureau issued to the licensee details the applicable code section(s), a brief description of the statutory requirement(s) and the Bureau's findings relating to the respondent's act(s) or omission(s) that gave rise to the violation(s). When possible, the Bureau will have an Enforcement Representative present at the hearing to present the facts of the case and answer any technical questions the committee may have. Committee members are to assess the reasonableness and relevance of the evidence (Notice of Citation, Investigation Report, and testimony) provided by the Bureau and the testimony and evidence provided by the respondent and the respondent's witnesses, if applicable, in guiding their determinations.
2. *Modifying the Fine Amount*: If the committee determines that a violation of the Act occurred and the violation is associated with an up-to-maximum fine amount, committee members should consider what amount of fine would be commensurate with the respondent's act(s) and behavior as well as the effect the fine would have in deterring the respondent from committing a future violation of the Private Investigator Act. **NOTE: The Committee may not modify a fine amount set in statute nor may the Committee increase a fine assessed by the Bureau.**

Appeals of Denials for Failing to Meet Required Experience or Training: The grounds for the committee rescinding the Bureau's denial of licensure is based on the preponderance of the evidence (applicant's statements, supporting documents and declarant's attestations) demonstrating that the respondent satisfies the requirements for the license.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's determination that the respondent does not meet the requirements for licensure.

The Legislature established minimum standards for obtaining a license regulated by the Private Investigator Act. See *Minimum Requirements for Licenses Regulated by the Private Investigator Act* (Attachment 7, page 53) for a list of the licenses and their related minimum requirements. Committee members must determine if the respondent has demonstrated that he/she complies with the requirements. In making this determination, committee members must keep in mind that the minimum requirements for licensure set by statute may NOT be waived, lessened or modified. The committee solely must consider whether the respondent, by preponderance of the evidence, demonstrates that he/she satisfies the minimum requirements.

Committee Motions

All committee motions and votes shall be carried out in accordance with the Committee's **Rules of Order** (Attachment 4 on page 45). A decision is reached on a given motion by a majority of voting members. In the case of a tie, the decision reverts to the Bureau's decision to deny, suspend or fine the respondent. See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 51) for additional factors to consider when reaching decisions.

The committee may make the following motions on the Bureau's initial action to deny an applicant or issue an administrative citation to a license:

- Affirm (uphold)
- Rescind (overturn); or
- Modify

NOTE: The committee may not take an action that includes a penalty more severe than the Bureau's action (e.g., increasing the amount of an administrative fine). Furthermore, in some instances (e.g., fines set by statute), the committee may NOT modify the penalty.

Preparing the Decision

Bureau staff will provide the Chairperson with the Decision and Order document, which is addressed to the respondent, to complete with the committee's decision and the basis for the decision. The Chairperson, or the Vice Chairperson in the absence of the Chairperson, or the Acting Chairperson in the absence of the Chairperson and the Vice Chairperson must sign the document. The Bureau will mail the document to the respondent along with a cover letter outlining the procedures for the respondent to appeal to an administrative law judge if respondent disagrees with the DRC's decision. DRC committee decisions are final if the respondent fails to request an administrative hearing within 30 days from the date the Decision is mailed to the respondent. Please note, the signed decision of the DRC is subject to public disclosure under the California Public Records Act.

Discussion of Cases

Committee members must remember that while a primary purpose of the DRC is to provide respondents a more timely decision than that afforded through the administrative hearing process, the respondent has the right to appeal the DRC's decision to an administrative law judge. To maintain the integrity of any subsequent hearings, committee members shall not discuss the nature of the appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to any case heard by the committee, they MUST immediately notify the Bureau staff who oversee the DRC activities.

NON-REVIEW AGENDA ITEMS

Other Items on Agenda

The Chairperson must verbally recognize all items on the Agenda posted online with the public Notice of the meeting and ensure that, if applicable, the public has an opportunity to directly provide comment to the committee during the discussion of each item prior to any action taken. Any motions made shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 49)

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 45)
2. The adjournment and time will be announced by the Chairperson and recorded for the *Meeting Minutes*.

PRIVATE INVESTIGATOR DISCIPLINARY REVIEW COMMITTEE CHAIRPERSON'S INSTRUCTIONS

OPENING THE MEETING

- Establish a quorum of Committee
- Approve past Disciplinary Review Committee meeting minutes and address all other items on the Agenda listed before Review items

INTRODUCTION

Chairperson reads:

" My name is [name], [Chair/Vice-Chair] of the Private Investigator Disciplinary Review Committee. This Disciplinary Review Committee is appointed by the Governor of the State of California to hear appeals of decisions made by the Bureau of Security and Investigative Services regarding denials and administrative fine assessments. The committee may affirm, rescind or modify the Bureau's decision based on the information in the Bureau's file and your testimony today.

We will now begin the review of the Bureau's decision to:

- **deny** the (type of license/registration/certificate) of (name of respondent).
- **impose an administrative fine** against (name of respondent)."

RESPONDENT'S COUNSEL/WITNESS

Ask respondent if they are represented by counsel or are being assisted by a representative. If yes, ask the respondent to introduce them for the record.

Ask respondent if they have any witnesses. If yes, ask the respondent to identify the person by name, and relationship to the respondent for the record. Chairperson should ask if the witness is participating as a character reference or as a witness to the events.

OATH TO RESPONDENT AND, IF APPLICABLE, WITNESS(ES).

Chairperson reads:

"I will now be reading you the oath. Do you swear to tell the truth, the whole truth and nothing but the truth?"

RESPONDENT'S NAME AND ADDRESS

Chairperson reads:

"Please state the following information for the record: Your full name, current address, and name of your current employer (if any)."

BUREAU PRESENTS CASE FACTS

Chairperson reads:

"A Bureau representative will now read the facts of this case."

After the Bureau representative reads the facts, **Chairperson reads:**

"Please note that the information read by Bureau staff is listed on your [denial/citation] letter as the reasons for your [denial/citation]. Before moving on to your testimony, please advise the committee if you have any objections to the information read."

If the respondent has no objection, the Chairperson shall state for the record:

"Having heard no objection, the committee takes official notice of the Bureau's case facts. We will continue with the review."

If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections.

The Chairperson shall state for the record:

"The committee notes, for the record, the respondent's objections. We will now proceed with the review."

RESPONDENT'S TESTIMONY

The Chairperson reads:

"Now is your opportunity to address the committee regarding your appeal and provide your verbal testimony. Please begin."

IF THERE'S A WITNESS

After the Respondent's testimony, the Chairperson may call any witness for their testimony. The Chairperson should remind the witness that they are under oath.

IF THERE'S COUNSEL/REPRESENTATIVE

If counsel or a representative for the respondent is present, the Chairperson should ask the counsel/representative if they have anything to share. NOTE: There may be need to advise counsel not to disrupt the review proceedings and to admonish counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.

COMMITTEE MEMBER'S QUESTIONS

For the purposes of the hearing, the chairperson can individually ask each committee member if they have questions one at a time. Once the committee member is finished asking their questions, the chairperson should move to the next member.

CONCLUSION OF TESTIMONY/CLOSED SESSION

Upon determination that all committee members have asked all of their questions and the respondent has had the opportunity share their testimony, the Chairperson shall ask the respondent if they have anything else to share.

The Chairperson shall state for the record:

"Prior to the Disciplinary Review Committee ending this review, if you have anything else you want to add or expand on, please do so now."

Upon conclusion of the respondent's additional information, the Chairperson shall close the record of the matter by stating:

"The record in the review of the <denial, revocation, citation> against <respondent's name> is now closed.

After the Chairperson closes the record, the Chairperson shall inquire for public comment:

"The Disciplinary Review Committee is now open for public comment."

PRIVATE INVESTIGATOR DISCIPLINARY REVIEW COMMITTEE BAGLEY-KEENE OPEN MEETING ACT – KEY PROVISIONS

(Note: GC = Government Code Section)

All Disciplinary Review Committee (DRC) meetings must be carried out in accordance with the provisions of the Bagley-Keene Open Meeting Act (Act). It should be noted that the Act's provisions also apply when three or more DRC members are in communication by telephone or email. This means that these communications would be subject to the Act's noticing and minute-taking requirements, as well as public records act requests.

1. DRC meetings are open to the public except during periods when a meeting is in "closed session" as identified on a meeting agenda. *(GC 11123)*
2. All DRC meetings must be publically noticed. The Notice and Agenda must be posted on the BSIS website at least 10 calendar days in advance of the scheduled meeting and include a brief description of each specific item to be discussed. *(GC 11125)*
3. No item will be added to a meeting's Agenda after the meeting has been noticed. *(GC 11125)*
4. DRC members must permit public comment on an Agenda item after discussion of the item by DRC members and before going to closed session, **unless**: *(GC 11125.7)*
 - a. The public was provided an opportunity to comment at a previous meeting and the item has not substantially changed since the last meeting.
 - b. The subject matter is appropriate for closed session.
5. The public has the right to record DRC proceedings with an audio or video recording device **unless** doing so creates undue noise or other persistent disruption to the meeting. *(GC 11124.1)*
6. A BSIS staff member must be present during all closed sessions during the meeting to record minutes of the topics discussed and decisions made. *(GC 11126.1)*
7. During a DRC meeting, an emergency closed session is not allowed. *(GC 11126.3)*
8. The Meeting Agenda will include an item entitled "Agenda Items for Future DRC Meetings" to provide DRC members and the public the opportunity to request a specific item for a future meeting. Issues raised under this Agenda item should be discussed only to the extent necessary to determine whether they should be included as an Agenda item for a future meeting.

GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)

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BAGLEY-KEEN OPEN MEETING ACT

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**GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)**

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2017. Please disregard all previous Guides to the Bagley-Keene Open Meeting Act (distributed prior to January 15, 2017) on this subject.

All statutory references are to the Government Code.

I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give timely and sufficient public notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

Section 11121 defines the "state body" that is subject to the Bagley Keene Act.

Unless specifically excluded by statute, a "state body" is defined as a state board, commission or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order; or a

board, commission committee or similar multimember body that exercises any authority, delegated to it by that state body; or an advisory commission, an advisory board, advisory committee, advisory subcommittee or similar multimember advisory body of a state body, if created by formal action of the state body or any member of the state body, and if the advisory body so created, consists of three or more persons. Effective April 1, 2016, the definition of "state body" was amended to include the State Bar of California, as described in Section 6001 of the Business and Professions Code. Notwithstanding subdivision (a) of section 11121.1, amended effective April 1, 2016, the State Bar is subject to the Bagley-Keene Open Meeting Act and the California Public Records Act. (§ 11121(e))

II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

A. Definition of a "Meeting"

"Meeting" is defined in the Act as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b) (1)).

B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** "a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body." (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))

- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official of a state agency from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency's subject matter jurisdiction – with the limitation that the person cannot communicate to members of the legislative body, the comments or position of any other member of the legislative body. (§11122.5(b)(2))

C. Board and Committee Meetings

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not exercise any authority of a state body delegated to it by that state body. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

[Restriction on Attendance at Committee Meetings] The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members of the board who are not members of this committee may be attending the meeting only as observers."

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of "state body" in Section 11121(c)."

III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a "special" meeting, or an "emergency" meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

A. Regularly Scheduled Meetings

1. Who May Hold a Regularly Scheduled Meeting

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

2. Purposes for Which the Meeting May be Held

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board's licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.

3. Notice Requirements for a Regularly Scheduled Meeting

a. Board Meetings

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice." (§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. (§11125(f)) We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting _____ at (916) _____ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc., without specifying the particular matters thereunder, lack sufficient specificity to meet the standards of the Open Meeting Act and cannot be used to circumvent the notice requirement of a specific agenda. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate under the circumstances.

* * *

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be acted on or discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

It must be reiterated that no action may be taken on any such item and discussion is limited to that which is necessary to make the determination as to whether the item will be added to a future board agenda.

While neither the California Victim Compensation Board nor the Government Claims Board are within the Department of Consumer Affairs, any hearing conducted by either of these boards, pursuant to Section 13963.1 and neither representative requests the hearing be open to the public, the notice, agenda, announcement or report need not identify the applicant. (§11125.8)

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so choose.

b. Committee, Subcommittee or Task Force Meetings

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) You may elect to send such notice to those persons on your regular mailing list.

Remember, you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board, and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

4. Specific Requirements for Regularly-Scheduled Meetings

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

B. "Special" Meetings

SB 95 of 1997 created a new category of meeting, identified as a "special" meeting.

1. Who May Hold a Special Meeting

A board, committee, subcommittee or task force may hold a special meeting.

2. Purposes for Which a Special Meeting May be Held

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

* * *

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

3. Notice Requirements for a Special Meeting

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 "would impose a substantial hardship on the state body or where immediate action is required to protect the public interest." (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency's meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing

notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business other than that noticed may be transacted. Notice is required even if no action is subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

4. Specific Requirements During Special Meetings

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

5. Specific Prohibitions on Holding a Special Meeting

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

C. "Emergency" Meetings

1. Who May Hold an Emergency Meeting

A board, committee, subcommittee or task force may hold an emergency meeting.

2. Purposes for Which an Emergency Meeting May be Held

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

"(1) Work stoppage or other activity that severely impairs public health or safety, or both.

"(2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

3. Notice Requirements for an Emergency Meeting

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

4. Specific Requirements for an Emergency Meeting

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- * Minutes of the meeting
- * A list of persons notified, or attempted to be notified, of the meeting
- * Any action taken at the meeting
- * A copy of the rollcall vote on action taken (§11125.5(d))

5. Specific Prohibitions on Holding an Emergency Meeting

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

IV. CLOSED SESSIONS

A. Purposes for Which Closed Session Can be Held

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes:

1. Personnel Matters

A board may meet in closed session to "... consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing . . . which notice shall be delivered to the employee personally or by mail at least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

2. Examination Matters

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

3. Matters Affecting Individual Privacy

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

4. Administrative Disciplinary Matters

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act. (§11400, *et seq.*; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

5. Board of Accountancy Matters

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

6. Pending Litigation

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

7. Response to Confidential Final Draft Audit Report

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

8. Threat of Criminal or Terrorist Activity

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

9. Advisory Bodies/Committees May Meet in Closed Session

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126(f), (4)-(6))

10. Open Session Otherwise Required

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

B. Notice and Reporting Requirements for Closed Sessions

1. Notice of Closed Session

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

"Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above,

also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

"A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

V. MEETING BY TELECONFERENCING

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

Effective January 1, 2015, subdivision (c) was added to Government Code section 11123 to require that any action taken and the vote or abstention on that action of each member present for the action be publicly reported by the state body. (Stats. 2014, Chapt.510; AB 2720)

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting. (§11123(b)(2))

VI. DELIBERATIONS AND VOTING

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly. (§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

A. Seriatim Calls to Individual Agency Members Prohibited

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (*Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the *Stockton Newspapers, Inc.* case, the court in *Sutter Bay Associates v. County of Sutter* held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4th 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members "to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency." (Emphasis added.) (§11122.5(b))

B. E-Mail Prohibition

Section 11122.5 was amended by Stats. 2009, c. 150 (A.B. 1494) to provide:

(b)(1) A majority of the members of the state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state

agency, if that person does not communicate to members of the legislative body the comments or position or any other member or members of the legislative body.

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.

Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

C. Secret Ballot Prohibited

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

D. Voting by Proxy Prohibited

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

E. Use of Electronic Devices During Meeting

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

"You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format."

F. Voting by Mail on Administrative Disciplinary Matters

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

G. Recording and Reporting Votes

Beginning January 1, 2015, for each item on which a vote is taken, the minutes must contain a record of how each member voted on that action item. (For example, Yes – Members A, B, & C; No – Members D & E; Abstain – Member F.)

VII. MISCELLANEOUS PROVISIONS

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

A. Conforming Board Member's Conduct

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

B. Providing Open Meeting Act to New Board Members

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

C. Prohibition on Placing Conditions on Public's Attendance

1. Sign-in

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

2. Discrimination in Admittance to Meeting Facility

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

3. Access for the Disabled

All meetings must be accessible to the disabled. (§11131)

4. Charging a Fee or Requiring a Purchase for Access

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

D. Agency Recording of the Proceedings

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

E. Public's Right to Record the Proceedings

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute a persistent disruption of the proceedings. (§11124.1(a))

F. Media Broadcast of the Proceedings

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

G. Webcasting

Whether or not webcasting is required, if your meeting is webcast, it is our recommendation that you place the following statement on your agenda:

"While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources."

H. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that "All times indicated and the order of business are approximate and subject to change," to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that "Items scheduled for a particular day may be moved to an earlier day to facilitate the board's business." Again, the purpose may not be to frustrate public or other input.

I. Opportunity for Public Comment at Meetings

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency's discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

Section 11125.7 was amended, effective June 27, 2016 to provide an equal time provision when the state body limits the time for public comment, by requiring the state body to provide at least twice the allotted time to a member of the public who uses a translator. This amendment is to ensure that non-English speakers receive an equal opportunity to address the state body when simultaneous translation equipment is not used. (Stats of 2016 chapt. 31 SB 836)

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

VIII. DISCLOSURE OF DOCUMENTS

A. Documents Distributed Prior to the Meeting

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

B. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

C. Charging a Fee for Public Documents

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

IX. PENALTIES

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open

Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor." (Emphasis added.)

PRIVATE INVESTIGATOR DISCIPLINARY REVIEW COMMITTEE RULES OF ORDER

All committee meetings will be conducted according to the Private Investigator Disciplinary Review Committee Rules of Order (Rules of Order). These rules are meant to be used as tools to help make orderly, collective decisions in a cooperative, respectful way. Committee members should be familiar with these Rules of Order and conduct themselves accordingly.

Committee Chairperson Selection

Committee members shall select a Chairperson to preside over the meetings for a one-year term. However, there is no restriction on the number of terms a Chairperson may serve and committee members may change the selection of a Chairperson at any given time by noticing the event on a meeting agenda and by a majority vote of the committee. The committee should also establish a Vice Chairperson in case the Chairperson is absent or must disqualify themselves from any item before the committee. The selection of both the Chairperson and Vice Chairperson shall be conducted by an official vote of the committee and the motion and vote shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

If neither the Chairperson nor Vice Chairperson is present, an Acting Chairperson will be selected by an official vote of the members present with the motion and vote carried out in accordance with the "Meeting Motions" section of these Rules of Order. However, the committee may not proceed as a formal committee if it does not have a quorum (see Item 2 under Opening the Committee Meeting Section).

It should be noted that the Chairperson, Vice Chairperson, or Acting Chairperson has no more authority than any other DRC member regarding participation in the decision of an appeal. The Chairperson, Vice Chairperson or Acting Chairperson is responsible for conducting the meeting in accordance with these Rules of Order, maintaining order during the meeting, and assuring that all persons before the committee are treated impartially and courteously.

Meeting Motions

When a motion is made, the committee members who made and seconded the motion, and the official committee vote on the motion are to be recorded for the Meeting Minutes. A decision is reached by a majority vote of the committee. In the case of a tie vote on a motion relating to a respondent's appeal, the Bureau's decision to deny, suspend or fine the respondent stands.

Opening the Committee Meeting

1. The Chairperson shall conduct a roll call of the members present to establish a quorum. Each committee member must verbally acknowledge their presence for the Meeting Minutes.
2. Upon establishment of a quorum, the Chairperson must note the official time the meeting is called to order and the time is recorded for the Meeting Minutes.

If a quorum is not established, but is expected to be established within a short time from the commencement of the meeting (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal review heard later when the quorum is established, or request the review be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal review, in closed session, at a time deemed appropriate by the committee chair. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the case. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals -- respondent and their witness(es) or representative as well the committee members -- are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

3. The Chairperson shall note for the record that the meeting will be conducted in the order of the Agenda of the meeting's Public Notice. A motion must be made to modify the Agenda item listing the respondents scheduled to appear before the committee to hear their appeals in accordance with the respondents' sign-in sheet. The motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.
4. A motion should be made to adopt the Minutes from the previous DRC meeting and the motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

Review of a Respondent's Appeal

1. While respondents are to be heard in sign-in order, a motion can be made to hear a respondent out of order for hardship situations only upon motion and vote of the Committee. Any motion made shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

2. At the beginning of each review, the Chairperson must read, for the record, the respondent's name and corresponding item number from the meeting's Agenda even if the respondent is being heard out of Agenda order or providing written testimony.
3. A committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality in accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 49).
4. Chairperson shall use the *Disciplinary Review Committee Chairperson's Instructions* (Attachment 1 of the Private Investigator Disciplinary Review Committee Reference and Procedures Manual) to carry out the review.
5. Chairperson will ensure that all committee members present are afforded the opportunity to ask questions or provide comments on any item on the meeting's Agenda.
6. Upon conclusion of each respondent's appeal review, the Chairperson will state for the record that the meeting is going into Closed Session.

Closed Session Deliberations

1. Only committee members and permitted Bureau staff are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision making, but may answer procedural questions and shall record the minutes of the closed session as required by Section 11126.1 of the Government Code.
2. Closed Session Minutes are confidential. Members cannot discuss closed session items in open session or in public, even with other members.
3. The motion to affirm, rescind, or modify the Bureau's initial decision shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order. The Committee shall render a decision on every appeal noted on the Agenda, including those involving respondents who did not appear. Exception: Respondents who opted not to present their case due to lack of a quorum.

NOTE: The committee cannot issue a decision that includes a penalty more severe than the Bureau action under review such as increasing the amount of a fine. Further, when a fine amount is set by law (e.g., \$100.00 for the first violation) the committee cannot issue a decision that alters the fine amount.

Other Agenda Items

The Chairperson must establish for the record all respondents who did not attend the meeting by reading their name and corresponding item number from the meeting's Agenda and stating "no show."

The Chairperson must verbally recognize all remaining items on the Agenda on the Public Notice. Any motions made shall be carried out in accordance with "Meeting Motions" section of these Rules of Order.

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out during open session and in accordance with the “Meeting Motions” section of these Rules of Order.
2. The adjournment and time will be announced by the Chairperson and recorded for the Meeting Minutes.

Committee Member Expectation Guidelines

1. Review the cases prior to the hearings so you are familiar with the issues and prepared to make inquiries as needed.
2. Arrive at least 15 minutes before the meeting start time to allow for time to take care of any pending issues.
3. Speak audibly and clearly during the meeting to enable everyone in the room to hear and understand you.
4. During a respondent's review, be courteous, respectful, and provide your full attention to the person speaking whether it is the respondent, their attorney or witness(es), or another committee member.
 - Do not make inquiries or comments about a respondent's clothes or appearance UNLESS it is directly related to the issue(s) of the appeal.
 - Do not make inquiries or comments about a respondent's ability to speak/comprehend English unless it relates to determining the respondent's ability to comprehend procedural activities.
 - Do not question the education of a respondent UNLESS it is directly related to the issue(s) of the appeal.
 - Do not ask the respondent questions personal in nature unless it relates to rehabilitation (see guidelines for rehabilitation in the DRC manual).
 - Do not make inquiries into matters unrelated to the direct facts or issues of the case.
 - Do not make inquiries that relate to protected statuses. For example, "what is your religion or ethnic background?" or "are you a U.S. citizen?"
 - Do not indicate either through words or demeanor that you and/or the committee may have already reached a decision or may be predisposed to a certain decision.
 - Do not use cell phones (including texting), laptops or any other telecommunication device that could give the impression that you are not providing your full attention to the appeal. **REMEMBER:** A person is more likely to accept the committee's decision if they believe that they were heard, and treated impartially and respectfully.
5. Do not discuss an appeal case with another committee member before the review. Prior communication(s) could prejudice the review and could result in the committee's decision being challenged or nullified. Further, under certain circumstances, prior discussions could be subject to **Bagley-Keene Open Meeting Act** and **Public Records Act** (Act) requests. Violations of the Act may be a criminal offense. If you have a question regarding an appeal case, contact the Bureau employee who staffs the committee.
6. You must recuse yourself from a review as soon as you become aware of factors that could affect your impartiality or could be perceived as affecting your impartiality. These factors may include but are not limited to a prior or current work-related or personal relationship with the applicant or licensee. If you recuse yourself, do **NOT** make any statements to the other committee members regarding the respondent or issues relating to the appeal. You are only to state, for the record, that you are recusing yourself from the review due to a conflict. The member's name and the act of recusal shall be recorded in

the Meeting Minutes. Once you recuse yourself from a review, you MUST leave the room during testimony to prevent accidental participation such as through body language. Further, you are NOT permitted to be in the room during closed session.

NOTE: If you determine that you will need to recuse yourself from a review prior to the day of the hearing, immediately contact the Bureau staff who oversees DRC activities. This information is important to identify a potential lack of quorum for the case.

7. Committee members should respect the Chairperson's right to control the process of the meeting. Only one matter will be before the committee at any time and no other discussion is in order.
8. Remember, your comments and/or actions could impact any future proceedings on the appeal. For this reason, you are not to discuss the nature of appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to an administrative or court proceeding for any case heard by the committee, he/she MUST immediately notify the DRU Manager and Bureau staff who oversee the DRC activities.

Criteria for Evaluating Rehabilitation

The following information is provided to assist members with decisions relating to rehabilitation.

CALIFORNIA CODE OF REGULATIONS, TITLE 16, Division 7, Section 602.1

When considering the denial, suspension, revocation or reinstatement of a license for which application has been made under Chapter 8.5, 11, 11.3, 11.4, 11.5 or 11.6 of the Code on the ground that the applicant, licensee, or petitioner has been convicted of a crime, the bureau shall consider whether the applicant, licensee, or petitioner made a showing of rehabilitation if the applicant, licensee, or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the bureau shall consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant, licensee, or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

If the applicant, licensee, or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, the bureau determines that the applicant, licensee, or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial, suspension, revocation, or reinstatement is based on professional misconduct, or the denial, suspension, revocation, or reinstatement is based on one or more of the grounds specified in Sections 6980.45, 6980.47, 6980.71, 6980.73, 6980.74, 7503.5, 7504.1, 7505.3, 7506.8, 7506.14, 7507, 7510.1, 7538, 7538.5, 7561.1, 7561.3, 7561.4, 7564.1, 7574.15, 7574.31, 7582.19, 7582.23, 7582.24, 7582.25, 7583.15, 7583.16, 7583.21, 7583.42, 7587.1, 7587.3, 7587.4, 7591.8, 7591.10, 7598.12, 7599.32, and 7599.61 of the Code, the bureau shall apply the following criteria in evaluating an applicant, licensee, or petitioner's rehabilitation:

- (1) The nature and severity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) If applicable, evidence of proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) The criteria in subdivision (a)(1) through (5).
- (8) The total criminal record.

Penal Code Section 1203.4

If an individual has fulfilled the conditions of probation, they may petition the court and be granted an Order of Dismissal under Penal Code Section 1203.4. This section allows a plea of guilty or nolo contendere to be put aside and a plea of not guilty to be entered.

Business and Professions Code Section 480(c) provides, as follows: "Notwithstanding any other provisions of the code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal."

Minimum Requirements for Licenses Regulated by the Private Investigator Act

Private Investigator License (BPC Sections 7520.3, 7525.1, 7526 and 7527)

1. 18 years of age
2. Applicant or qualified manager for applicant must possess at least three years (not less than 6,000 hours) experience in investigation work (see below, **PI QM Qualifying Experience**)
3. Business organized as a sole owner, partnership, corporation or LLC.
 - a) An LLC licensee with five or fewer managing members must maintain a minimum of \$1 million liability insurance policy
 - b) In addition to the \$1 million liability insurance policy, an LLC with more than five managing members must add an additional \$100,000 for each additional managing member.

Private Investigator Qualified Manager (BPC Section 7526, 7527 and 7541)

1. 18 years of age
2. Possess at least three years (not less than 6,000 hours) experience in investigation work (see below, **PI QM Qualifying Experience**)
3. Pass the required examination

Firearms Permit -- Initial (BPC 7542)

1. Completed the 8-hours Power to Arrest Course
2. Completed a 40-hours course as prescribed in Title 16, Division 7, Section 635 of the California Code of Regulations (Attachment 8, page 61).
3. Not prohibited by the Department of Justice from possessing a firearm

PI QM Qualifying Experience (BPC 7541 and 7541.1(b))

Applicant or qualified manager for licensee applicant must have carried out actual private investigation compensated work prior to the filing of the application as follows:

1. 3 years (6,000 hours); or
2. 2 years (4,000 hours) and law degree or four-year course (BA or BS) in police science, criminal justice, criminal law or equivalent; or
3. 2.5 years (5,000 hours) and AA degree from an accredited college in police science, criminal law, or justice.

Specific Experience Requirement (BPC 7521)

Applicant or qualified manager for licensee applicant must have performed one or more of the following investigative activities while employed in one or more of the situations under "Employment Requirements".

1. Investigated crimes or threats against the U.S. or any state or territory of the United States of America.
2. Investigated identity, habits, conduct, business, occupation, honesty, integrity, credibility,

- knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.
3. Investigated the cause or responsibility of fires, defamation of character incidents, losses, accidents or damage/injury to property or persons.
 4. Investigated the evidence for use in any court, board, officer, or investigating committee.

Employment Requirements (BPC 7541.1(a))

Applicant or qualified manager for licensee applicant must have performed investigations, as defined in BPC 7521, employed or managed (item 4) in one of the following capacities:

1. Sworn law enforcement officers possessing powers of arrest and employed by agencies in the federal, state, or local government.
2. Military police of the U.S. armed forces or National Guard.
3. An insurance adjuster or their employees subject to Chapter 1 (commencing with Section 14000) of Division 5 of the Insurance Code.
4. Persons employed by a California licensed private investigator, or persons whose work and experience is directly managed by a qualified manager (This situation generally involves a PI licensee working under a qualified manager to gain the experience needed to serve as his/her own qualified manager).
5. Persons employed by a California licensed reposessor who routinely and regularly engaged in the location of debtors or the location of personal property utilizing methods commonly known as "skip tracing" (only skip tracing experience applies).
6. Persons duly trained and certified as an arson investigator and employed by a public agency engaged in fire suppression.
7. Persons trained as investigators and employed by a public defender to conduct investigations.
8. Persons trained as investigative reporters and employed by a media source, as defined in Section 1070 of the Evidence Code, whose investigative journalism experience is comprised of conducting primary investigations and producing investigative projects.

Proof of Experience (BPC 7541 and 7541.1(a))

- Applicant's employer must substantiate the applicant's claimed years of experience by providing a written certification of the exact details and type of work performed. The Bureau has the authority to independently verify the certified information.
- A designated agent of the employer may certify experience or the qualified manager who directly oversees the work and experience of an individual.
- Employer is a person, corporation, partnership, proprietorship, or other association which routinely withheld income taxes and other payroll deductions for applicant.

Ineligible Experience (BPC 7541.1(c))

1. Serving legal process documents or similar documents.
2. Searching for heirs or similar searches which involve only a search of public records or other reference sources in the public domain.
3. Transportation or custodial attendance of persons in the physical custody of a law enforcement agency.
4. Providing bailiff or other security services to a court of law.
5. Collecting and attempting to collect debts by telephone or written solicitation after the debtor has been located.
6. Repossessing property after that property has been located and identified.

Firearms Training Course - California Code of Regulations §635

(a) Each applicant for an initial firearms permit shall complete classroom training related to the use of firearms, as outlined below, and complete and successfully pass an examination. Classroom training shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility. The following outline includes the minimum subjects which shall be taught and the minimum length of time which shall be devoted to each subject. Classroom training shall be completed before range training and before any attempt at range qualification.

FIREARMS TRAINING OUTLINE Recommended Instruction Sequence		
<i>Subject and Objective</i>		<i>Length of Time</i>
I. Registration (Classroom)		
A. Administration. Objective: to enroll individual in course.		1/2 hour
1. Check individual identification		
2. Check individuals Bureau registration status		
3. Course admission and discussion		
B. Laws and regulations for issuing a firearms permit.		1/2 hour
Objective: to familiarize and instruct individual on the laws, regulations, other requirements, and the administrative process for issuing a firearms permit and renewals.		
II. Moral and Legal Aspects (Classroom)		
A. Laws regarding possession and carrying of firearms.		1/2 hour
Objective: to familiarize and instruct individual on the applicable laws relating to the possession and carrying of firearms while working as an armed security guard.		
1. Penal Code sections		
2. Government Code sections		
3. Bureau statutes and regulations		
4. Instructor examples		
B. Laws and standards regarding use of deadly force.		2 hours
Objective: to familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.		
1. Penal Code sections		
2. Government Code sections		
3. Bureau statutes and regulations		
4. Instructor examples		
C. Avoidance of deadly force--The de-escalation of force.		2 hours
Objective: to familiarize and instruct individual on the role of the firearms permit holder, the role that deadly force may play and when and how to de-escalate the use of deadly force.		
D. Shooting incidents.		1 hour
Objective: to familiarize and instruct individual on what is likely to happen in a shooting incident and how a firearms permit holder should act to minimize the use of deadly force.		
E. Effects of firearms use.		1/2 hour
Objective: to familiarize and instruct individual on how and why bullets travel and what implications this has on the use of deadly force.		
III. Firearms Nomenclature, Maintenance (Classroom)		
A. The revolver and semi-automatic, ammunition, parts and nomenclature.		1 hour
Objective: to familiarize and instruct individual on the principles and operation of weapons, the differences between weapons and how to care for a weapon.		
1. Picture of revolver and semi-automatic with parts identified		
2. Revolver and semi-automatic, parts and description		
3. Picture of ammunition with parts identified		
4. Ammunition parts and description		
B. Firearms safety, general.		1 hour

Objective: to familiarize and instruct individual on how to safely fire, wear and store the weapon while on the firing range, or on duty or off duty.

1. General safety rules
2. Specific safety rules
3. Safety at home and off duty
4. Transporting the weapon to the range
5. Carrying the weapon on duty
6. Suggested eye and ear protective equipment
7. Inspection, cleaning, and maintenance
 - a. General information
 - b. Inspection
 - c. Cleaning
 - d. Cleaning kit
 - e. To clean the weapon
 - f. Check list

IV. Weapon Handling and Shooting Fundamentals

1 hour

Objective: to familiarize and instruct individual on the fundamentals of marksmanship and the handling of weapons.

- A. Weapon fundamentals, general differences between handguns
- B. Loading/Unloading
 1. Proper loading procedures
 2. Proper loading procedures (right handed)
 3. Proper unloading procedures (right handed)
 4. Proper loading procedures (left handed)
 5. Proper unloading procedures (left handed)
 6. Loading devices
- C. Proper positions
 1. Point shoulder position
 2. Standing, barricade or supported position
 3. Kneeling position
 4. Sitting position
 5. Prone position
 6. Cover and concealment
 7. Bouncing bullets
- D. Grip
 1. Two-handed grip

- E. The draw
 - 1. General information
 - 2. The holster and the draw
- F. Shooting Fundamentals
 - 1. Sight alignment
 - 2. Trigger squeeze (control)
 - a. Single action
 - b. Double action
 - c. Count your shots
 - d. Anticipation
 - e. Dry firing
 - 3. Establishing the Dominant Eye
- V. Examination 1 hour

(b) In addition to completing and successfully passing an examination related to the use of firearms, each applicant for an initial firearms permit shall complete range training as outlined below. Range training shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

Range Training Outline

- VI. Range Preparation (Classroom) 1 hour
 - Objective: individual will review range safety and the fundamentals of marksmanship and deployment of weapons. In addition, the individual will review requirements for the use of deadly force.
 - A. Range location
 - B. Equipment needed
 - C. Course of fire (explanation)
 - D. Targets, scoring explanation
 - E. Range commands (explanation)
 - F. Use of deadly force
- VII. Range Training As needed
 - Objective: to instruct individual in the safe and accurate use of a firearm until such time as the individual demonstrates to the instructor that he or she can safely draw and fire the weapon and has a high likelihood of passing the qualification course.
 - A. Instructions
 - B. Drawing and holstering practice
 - C. Dry firing
 - D. Loading and reloading procedures

(c) After completing both classroom-based firearms training and range training, each applicant for an initial firearms permit shall complete range qualification. The applicants initial range qualification shall only be completed by firing live ammunition and shall not be completed with a firearm simulator. The applicant must complete each range qualification with the same caliber of weapon that will be listed on the firearms permit and carried by the permit holder while on duty. If the applicant seeks to qualify for more than one caliber of weapon, the applicant must complete a range qualification for each additional caliber to be listed on the firearms permit. Each Range qualification shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

VIII. Range Qualification

Objective: individual shall pass a range qualification based on his or her demonstrated use of a weapon.

- A. Course of fire. Each individual shall discharge 50 rounds a minimum of 2 times according to the following schedule: (All stages are unsupported.)

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6,6 and 2) *6 standing position *8 kneeling position
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and 6) *6 strong hand unsupported (reload and switch hands) *6 weak hand unsupported
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

- B. Scoring. The first course of 50 rounds discharged shall be considered practice. The second course of 50 rounds discharged shall be used for scoring.

1. Silhouette targets shall be used. A 5 point score shall be granted for each round discharged inside of the seven (7) ring (center mass) as specified in Section 635.1.
2. Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment.
3. Each individual shall be informed whether his or her score passes or fails.

(d) A Bureau-approved Firearms Training Instructor conducting the range qualification must certify under penalty of perjury that an initial firearms permit applicant completed the required range qualification using live ammunition and provide a signed copy of the qualification documentation to the applicant.

Authority cited: Sections 7515, 7581, 7585, 7585.6 and 7591.6, Business and Professions Code. Reference: Sections 7542, 7583.22, 7583.23, 7583.37, 7596, 7596.3 and 7599.40, Business and Professions Code.

Biennial Renewal of Firearms Permit - California Code of Regulations §633

(a) An applicant shall complete and pass the review training course on the laws and standards regarding use of deadly force, avoidance of deadly force, and de-escalation of force, as outlined below. All required classroom training shall be completed prior to attempting each range qualification. Training regarding use of deadly force and avoidance of deadly force shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

Review Training Outline

<i>Subject and Objective</i>	<i>Length of Time</i>
A. Laws and standards regarding use of deadly force. Objective: to familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.	1 hour
1. Penal Code sections	
2. Government Code sections	
3. Bureau statutes and regulations	
4. Instructor examples	
B. Avoidance of deadly force--The de-escalation of force. Objective: to familiarize and instruct individual on the role of the armed security guard, the role that deadly force may play and when and how to de-escalate the use of deadly force.	1 hour

(b) The permit holder shall complete a range qualification by firing fifty (50) rounds with a passing score:

(1) On two (2) separate occasions, at least four months apart, within each twelve-month period before the permit expires, and

(2) With at least one (1) of the range qualifications in each twelve-month period completed using live ammunition.

(3) Permit holders must complete each required range qualification for each caliber of firearm listed on the permit.

(4) Scoring: Silhouette targets as described in Section 635.1 shall be used. A 5 point score shall be granted for each round discharged inside of the seven (7) ring (center mass). Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment. Each individual shall be informed whether his or her score passes or fails.

Course of Fire

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6, 6 and 2)
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and 6) *6 strong hand unsupported (reload and switch hands)
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

(c) The application for the renewal of a firearms permit shall include the following proof and information:

(1) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed and passed each range qualification. Each Bureau-approved Firearms Training Instructor administering the range qualification must certify under penalty of perjury the method (live ammunition or firearm simulator) in which each range qualification was completed and provide a signed copy of the requalification documentation to the applicant.

(2) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed the review course prior to each range qualification.

(d) A Reserve Peace Officer is exempt from the firearms requalification requirements providing he/she submits documentation of firearms proficiency provided by the Law Enforcement entity with which he/she is associated, with their proof of renewal. This documentation must be submitted with the request for renewal of the firearms permit.

Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code. Reference: Sections 7542, 7583.32, 7596.7 and 7599.40, Business and Professions Code.

**PRIVATE SECURITY
DISCIPLINARY REVIEW COMMITTEE
REFERENCE AND PROCEDURES
MANUAL**

July 2023

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INTRODUCTION

History

The Private Security Disciplinary Review Committees (DRC) were established, one for northern and one for southern California, for the purpose of considering appeals from private patrol operator, security guard registration, firearm training and baton training programs, and proprietary private security officer applicants and licensees of the Bureau's denials, suspensions and revocations as well as the assessment of administrative fines. Each DRC consists of five members appointed by the Governor with one member actively engaged in the business as a licensed private patrol operator, one member as a licensed firearm training facility, one member as a registered security guard, and two members from the general public.

Bureau and Department of Consumer Affairs Mission and Core Values

The Bureau's 2017-2021 Strategic Plan identifies the Bureau's mission as: *To protect and serve the public and consumers through effective regulatory oversight of the professions within the Bureau's jurisdiction.*

The Bureau's Core Values are:

- **Accountability**
- **Consumer Protection**
- **Customer Service**
- **Effectiveness**
- **Integrity**
- **Professionalism**
- **Teamwork**
- **Equity**

Appointment of Committee Members

As a Governor appointee, DRC members are representatives of the Governor and their administration. A DRC member is expected at all times to conduct themselves in a respectful, impartial, professional and courteous manner when participating in any DRC meeting or activity. As a reminder, members serve at the pleasure of the Governor and a DRC appointment may be terminated at any time for misconduct, incompetence, or neglect of duty.

Member Per Diem

Pursuant to Business and Professions Code Sections 7581.1 and 103, a DRC member is paid a \$100 per diem for each day actually spent in the discharge of official duties. Accordingly, if a DRC appeal meeting is scheduled for one day, a DRC member will receive one day per diem to review the case files and one day per diem to attend the meeting. If a DRC appeal meeting is scheduled for two days, a member will receive two days per diem to review the case files and two days per diem to attend the meeting. In regard to other DRC-related training or activities, a DRC member will receive one day per diem for each day they are involved in a DRC training or activity. A DRC member is also entitled to reimbursement for travel and other necessary expenses related to attending a DRC-related meeting or activity.

Duties of Committee Members

The DRC provides an applicant or licensee an alternate process to appeal the Bureau's decision relating to denials, suspensions, revocations, and the Bureau's imposition of administrative fines for the security industries. Specifically, Business and Professions Code Section 7581.2 states:

Each disciplinary review committee shall perform the following functions as they pertain to private patrol operators, security guards, firearm qualification cardholders, firearm training facilities, firearm training instructors, baton training facilities, and baton training instructors, as licensed, certified, or registered by the bureau under this chapter, and proprietary security officers, as registered by the bureau under Chapter 11.4 (commencing with Section 7574):

- (a) Affirm, rescind, or modify all appealed decisions which concern administrative fines assessed by the director.
- (b) Affirm, rescind, or modify all appealed decisions which concern denials, revocations, or suspensions of a license, certificate, or registration except denials, revocations, or suspensions ordered by the director in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code.

The second appeal process is a hearing before an Administrative Law Judge (ALJ) with the Office of Administrative Hearings. If the matter is appealed to a DRC and the respondent disagrees with the DRC decision, they have the option to appeal the DRC decision to an ALJ.

Committee Resignations

If a DRC member wishes to resign from the DRC, the member must provide a letter of resignation to the Governor's Office stating that they no longer wish to serve on the DRC. A copy of the letter of resignation must also be submitted to the Director of the Department of Consumer Affairs and the Bureau Chief.

PRE-MEETING DAY ACTIVITIES

Scheduling Meetings

DRC meetings must be scheduled at least every 60 days; however, the frequency may be more or less depending on the number of appeals received (Business and Professions Code section 7581.1). All meetings are subject to the requirements of the Bagley-Keene Opening Meeting Act and, accordingly, are publicly noticed with an agenda of the scheduled appeals and other items to be considered during the meeting.

Upon receipt of a licensee's or applicant's (hereafter referred to as "respondent") appeal request, Bureau staff schedule the review for an upcoming meeting and mail the respondent information about the meeting and what to expect when attending the DRC meeting. Additionally, Bureau staff will post the meeting's notice on the BSIS public website in accordance with the **Bagley-Keene Open Meeting Act** (Attachments 2 and 3 on pages 21 and 21).

The number of appeals scheduled for a meeting is based on an average case review time of 20 minutes. Given this timeframe, committee members need to be focused and on point in their actions and inquiries during an appeal. This requires each member to have reviewed the case documents in advance to be sufficiently knowledgeable of the history and circumstances. **NOTE:** Historically, not all respondents show up for their scheduled appeals. For this reason, having a case or two run slightly longer than 20 minutes, due to their complexity or other extenuating factors, should not create hardships relative to the overall meeting day.

Case Files to DRC Members

Approximately ten days before a scheduled meeting, Bureau staff sends each DRC member the case files for each appeal to be heard during a meeting via the FedEx service. Each file contains the pertinent information the Bureau considered in reaching its decision on the applicant/licensee. Bureau staff will send each DRC member an email notifying them that the case files have been mailed and the date they were mailed. Given that the case files may contain information restricted by law or otherwise confidential, it is imperative that committee members handle the documents accordingly and immediately notify the Bureau if the files are misplaced or are not received from the delivery service. If a DRC member does not receive the case files package within 2-3 days of the notification of them having been mailed or if the case files could have been subject to any unauthorized access, **they must immediately notify the Bureau of this fact** by sending an email to the Bureau DRU manager and Bureau staff who oversees DRC activities. **It is the responsibility of each DRC member to promptly notify the Bureau's DRU manager and Bureau staff who oversees DRC activities immediately of any change of their mailing address.**

If a committee member has a question regarding any scheduled appeal prior to the meeting, they should contact the DRU manager or the Bureau staff who oversees DRC activities. **Committee members must not discuss an appeal with external parties or another committee member before the meeting by any means or method.** Prior communications could prejudice the appeal review and could result in the committee's decision being challenged or nullified. Under certain conditions, prior discussions also may be subject to the **Bagley-Keene Open Meeting Act** requirements and **Public Records Act** requests.

MEETING DAY PROCEDURES

All DRC meetings must be carried out in accordance with the **Bagley-Keene Open Meeting Act** (Attachments 2 and 3 on pages 21 and 23), the committee's **Rules of Order** (Attachment 4 on page 51), the **Committee Member Expectation Guidelines** (Attachment 5 on page 55) and the **Chairperson's Instructions** (Attachment 1 on page 17).

Meeting Date Expectations

The meetings generally begin at 9:00 a.m. with the length depending on the number of appeals scheduled to be heard. One or more Bureau staff members will be present at each scheduled meeting to answer questions DRC members may have with regard to Bureau laws, regulations, policies and procedures, and to facilitate the proceedings. Department representatives from the Executive Office or Legal Affairs Office may also attend the meetings. Lastly, the Bureau may arrange for law enforcement personnel to attend DRC meetings.

The meeting notice/agenda lists the respondents to be heard during the meeting. However, reviews are heard in order of sign-in by respondents on the "Respondent Sign-In" sheet located in the designated waiting room. The committee may hear a case out of sign-in order due to hardship-related circumstances. The committee will consider these requests on a case-by-case basis. In addition, since the Bagley-Keene Act requires agenda items to be taken up in agenda order, at the beginning of each meeting a motion must be made and adopted by the committee to allow respondents to be heard in sign-in order. This motion must be carried out in accordance with the committee's Rules of Order (Attachment 4, page 51).

Prior to the committee members calling the meeting to order, Bureau staff will check-in the respondents, may review their photo identification to confirm identity, and answer any questions they and/or their representatives may have. Additionally, Bureau staff will advise respondents and their witnesses and/or representatives that weapons are not allowed in the meeting room or the waiting room.

Meal and Rest Periods

DRC members are not employees of the state and not subject to requirements relating to meal and rest periods. However, the Bureau staff who serve as the DRC facilitator and scribe are represented employees and may be granted a minimum 30-minute lunch break. Accordingly, rest and meal periods should be taken as needed and/or upon request of Bureau staff.

Commencing a Meeting – Quorum

DRC meeting proceedings are carried out in accordance with the committee's **Rules of Order** (Attachment 4 on page 51). In accordance with the **Rules of Order**, a minimum of three DRC members are needed to establish a quorum of the committee. Bureau staff works closely with committee members to ensure attendance at each meeting is sufficient to establish a quorum. If for any unforeseeable reason a quorum is not established at the onset of a meeting, but is expected to be established within a short time (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official

action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal heard later when a quorum is established, or request the review to be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal, in closed session, at a time deemed appropriate by the Chairperson. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the appeal. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals – respondent, their witness(es) or representative as well the committee members – are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

Threatening Behavior by Respondent/Representative/Member of the Public

If a respondent, their representative or witness, or a member of the audience becomes unruly or threatens any committee member, Bureau staff, or another meeting attendee, the Chairperson shall pause the meeting and address the situation. If appropriate, the meeting should be adjourned and committee members and Bureau staff leave the room. If present, law enforcement personnel assigned to monitor the meeting will take over the matter. If no law enforcement is present, law enforcement personnel may be summoned by calling 911.

APPEAL REVIEW PROCEDURES

Committee Introductions

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 17), at the beginning of each review, the Chairperson will introduce the committee members, advise that the members are appointees of the Governor, and briefly explain the responsibilities and purpose of the DRC.

Respondent's Witnesses/Representation

The respondent may present their appeal or be represented by an attorney or other person. If represented, the respondent is still responsible for presenting their appeal. A representative may not testify to facts or events about which they do not have direct knowledge.

The Chairperson will swear in the respondent and, if applicable, their witness(es) to tell the truth. **NOTE:** Representatives (e.g., legal counsel, an interpreter, or any individual providing only moral or technical support) are not witnesses and, therefore, are not to be sworn in.

Bureau's Presentation of Case Facts

The Chairperson will request Bureau staff to state the facts of the case by reading the Bureau's prepared statement for the appeal. The Bureau's statement for the appeal is provided to the committee as part of the background document and includes the respondent's deniable convictions, explanations of the code sections referenced, a brief explanation of the license type the respondent is applying for, and the circumstances the Bureau considered when evaluating rehabilitation.

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 17), the Chairperson will ask the respondent if they have any objections to the official notice.

- If the respondent has no objections, the Chairperson will note that the committee takes official notice of the information presented and proceed with the review.
- If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections and the Chairperson shall note the objections for the record.
- If the respondent has objections to the crime being substantially related to the applicable license type, the committee must hear the objections, the Chairperson shall note the objection for the record, and the review should proceed.
- If the respondent has objections to the accuracy of the Bureau's findings relating to the issuance of a fine, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.
- If the respondent has objections relating to the statutory requirements for licensure or their experience relative to the statutory requirements, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.

NOTE: Preponderance of the evidence means "more likely than not" or "at least 50% plus any additional measure."

Respondent's Testimony

The review provides the respondent the opportunity to tell the committee their version of the relevant events of their conviction(s), the acts or circumstances relating to the Bureau's issuance of fine(s), or their experience as it relates to the statutory requirements for licensure. Below are some of the Chairperson responsibilities to facilitate this effort.

1. The Chairperson may ask the respondent for the reason(s) why they believe the decision of the Bureau should be modified or rescinded.
2. The Chairperson may advise the respondent or their witnesses when testimony is repetitive or unrelated to the case and may guide and advise the respondent and/or representatives so testimony given will assist the committee in reaching a decision.
3. The Chairperson may discontinue a respondent's or their witnesses' testimony if it is irrelevant and relevant testimony does not appear to be forthcoming.

4. If Counsel or a representative for the respondent is present, the Chairperson should ask the Counsel/representative if they have anything to share. NOTE: There may be need to advise Counsel not to disrupt the review proceedings and to admonish Counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.
5. If it becomes apparent during a review that a respondent is having difficulty understanding the proceedings because they are not sufficiently fluent in English, the Chairperson should consider stopping the review and advising the respondent that Bureau staff will reschedule the review for a later meeting at which time the respondent is to bring an interpreter. Any cost associated with the services of an interpreter shall be the sole responsibility of the respondent. However, if the respondent elects to continue with the review, the Chairperson should allow the matter to proceed.
6. The Chairperson should not make any inquiries, or allow any committee member to make any inquiries, into inappropriate or irrelevant areas. Such inappropriate areas of inquiries include but are not limited to all protected statuses, receipt or not of governmental aid.

Purpose of Appeal Review

The purpose of the review is for committee members to obtain sufficient information on the appeal to make a determination on whether the Bureau's decision to deny or suspend licensure, the Bureau's decision to issue a fine or fines, or the Bureau's decision that the respondent does not meet the experience qualifications as required by the Business and Professions Code should be affirmed, rescinded or modified. In making inquiries to obtain information, committee members should confine questions to those events and information on which the Bureau took its action and use good judgment to control the review length to ensure sufficient time for other respondents scheduled for the meeting.

It is not appropriate for a committee member to inquire on personal matters not related to the case, with the exception of those noted below relating to the respondent's rehabilitation efforts. If the respondent raises issues personal in nature, committee members must confine their responses, and subsequent inquiries should only be relevant to the events and information on which the Bureau took its action.

During all portions of the review, the committee shall accept any documents submitted by the respondent or the Bureau. The Chairperson must advise the respondent that documents submitted to the committee must be retained by the committee. (NOTE: The respondent is advised in their review notification letter that they may submit documents in support of their appeal, and that if the respondent submits the documents the day of the hearing they should be prepared to leave the documents with the committee. The documents must be retained by the committee, and provided to Bureau staff after the review, in the event the committee upholds the Bureau's decision and the respondent appeals his case to an administrative law judge.

The information below is provided to assist committee members in conducting the applicable review.

1. *Appeals of Denials Relating to Conviction(s)*: Committee members must obtain information from the respondent and their witnesses, if applicable, regarding the respondent's act(s) and/or behavior that led to the conviction(s), and the rehabilitation

efforts the respondent has made since the conviction(s), which will be considered during their deliberations on the respondent's appeal. The committee is not to "retry" the case to determine if the respondent did or did not commit the act; this determination was made through the judicial process.

Committee members may make reasonable inquiries, including those personal in nature, relating to the respondent's rehabilitation if they are connected with the issues relating to the review. Appropriate questions include but are not limited to the activities the respondent has engaged in since the crime/act, the nature and level of responsibilities of such activities, lengths of employment, participation in appropriate rehabilitation programs (alcohol, drug abuse, child abuse), and changes in lifestyle which may have contributed to the crime/act.

When evaluating and making a determination as to whether or not the respondent has made a showing of rehabilitation, the committee should consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) The total criminal record.
- (7) The aggravating factors listed on the respondent's denial letter.

See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 57).

2. *Appeals Relating to Automatic Suspension of Guard or Proprietary Security Officer Registration:* Committee members must obtain information from the respondent and their witnesses, if applicable, regarding the respondent's behavior and/or act(s) that led to the conviction(s), and the rehabilitation efforts the respondent has made since the conviction(s), which will be considered during their deliberations on the respondent's appeal. Since an automatic suspension involves a recent conviction, the respondent may not have yet undertaken steps of rehabilitation. However, if the respondent makes note of having done so, committee members may make reasonable inquiries, including those personal in nature, if they are connected with the issues relating to the review. (See item 1 for examples of appropriate questions.) The committee is not to "retry" the case to determine if the respondent did or did not commit the act; this determination was made through the judicial process.
3. *Appeals Relating to Issuance of Fine(s):* Committee members must obtain information from the respondent and/or their witnesses, if applicable, relating to the respondent's specific act(s) or omission(s) that the Bureau determined to be a violation of the Private Security Services (PSS) Act and gave rise to the issuance of the fine(s), which will be considered during their deliberations on the respondent's appeal.
4. *Appeals of Denials for Failing to Meet Required Experience and/or Education:* Committee members must obtain information and evidence from the respondent and their witnesses, if applicable, regarding the respondent's experience, education, and/or training, which will be considered during their deliberations on the respondent's appeal.

Disqualification from a Hearing

In accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 55), a committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality. Committee members must adhere to the specific steps outlined in the Guidelines when recusing themselves from a review. NOTE: Recusal requires the member to have no involvement with the process. While the hearing portion is open to the public, a recused committee member **MUST** leave the room during testimony to prevent accidental participation such as through body language. Further, a recused committee member shall **NOT** be in the hearing room during closed session.

If a committee member recusing themselves from the review results in the committee no longer having a quorum, the review shall be carried out in accordance with the section in this document entitled “Commencing a Meeting – Quorum.”

DELIBERATIONS – CLOSED SESSIONS

Following the conclusion of all testimony, the Chairperson shall call the committee into closed session. Only committee members and permitted Bureau staff are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision-making, but may answer meeting-related procedural questions and shall record the minutes of the closed session activities, as required by Section 11126.1 of the Government Code (Attachment 2 on Page 21).

Making a Decision on the Appeal

Committee members should weigh the reasonableness and relevance of the evidence provided by the Bureau, and the reasonableness and relevance of the evidence and testimony provided by the respondent and the respondent’s witnesses, if applicable. Committee members should only consider the facts provided and not make assumptions regarding what may have or may have not transpired. The burden of proof standards are as follows:

1. Denial of Licensure – Lack of Qualifying Experience: The burden of proof rests with the applicant. The applicant must show by “preponderance of the evidence” that they satisfy the specified statutory experience, education and/or training requirements for licensure.
2. Denial of Licensure – Substantially-Related Conviction: The burden of proof rests with the applicant. The applicant must show by preponderance of the evidence that the conviction did not occur, the conviction is not substantially related to the duties of the license, or that they are rehabilitated and are fit for licensure.
3. Bureau Issuing a Citation/Fine: The burden of proof rests with the Bureau. By the “preponderance of the evidence” the Bureau must show that the licensee committed a

violation of the Act.”

4. **Suspension of a Guard or Proprietary Security Officer Registration:** The burden of proof rests with the Bureau. By “preponderance of the evidence” the Bureau must show that the conviction occurred, the conviction is substantially related to the duties of a guard, and the registrant is unfit for licensure.

NOTE: Preponderance of the evidence means “more likely than not” or “at least 50% plus any additional measure.”

In rendering their decisions, committee members should also consider the Bureau’s and Department’s mission of protecting consumers and the public. Ultimately, each committee member is entrusted with making a decision of the respondent’s fitness for licensure, the respondent’s eligibility for licensure, or the appropriateness of the issuance of the fine(s) to the respondent. Fitness for licensure means that the respondent will be able to carry out the duties of the license in a manner that will likely not result in public or consumer harm.

Appeal of Denials Relating to a Criminal Convictions: The grounds for the committee rescinding the Bureau’s denial of licensure are based on the preponderance of the evidence substantiating that the respondent:

- Was not convicted of the crime(s);
- Was convicted of the crime(s), but the crime(s) and/or respondent’s act(s) leading to the conviction(s) are not substantially related; OR
- Was convicted of a substantially-related crime, but have proved rehabilitation to the extent that they demonstrate fitness for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau’s denial of the respondent’s application for licensure due to a criminal conviction.

1. ***A Conviction was Not Sustained:*** The committee should assess whether the respondent demonstrated, that no criminal conviction was sustained. If the evidence presented by the respondent does not satisfy this burden of proof, then the Bureau’s official notice of the occurrence of a crime or act shall stand. **Note:** If respondent demonstrates that the conviction(s) for which he/she was denied a license have been set aside or dismissed pursuant to Penal Code section 1203.4 or any other provision of law, the committee may not presume that a conviction occurred.
2. ***The Crime or Act is Substantially Related to the Duties of the License:*** If a crime is associated to a significant extent with the qualifications, functions and duties of the license it is considered to be substantially related. Generally, a conviction or the act(s) leading to the conviction must be substantially related for the respondent to be denied licensure. The grounds for making a substantially related determination include the committee member’s knowledge and understanding of the responsibilities and qualifications of the licensee.
3. ***Nature and Severity of a Substantially-Related Crime:*** By law, a felony is a more severe crime than a misdemeanor. However, felonies often are pled down to misdemeanors and, therefore, committee members should not consider the classification of the crime as the sole indicator of the severity of a crime or act. Committee members also should

consider the nature and severity of the respondent's act(s) or behavior that led to the conviction including the resulting harm and/or damage to person, property or public.

4. *Rehabilitation*: For the purpose of making a decision of fitness for licensure, rehabilitation involves the extent that a respondent demonstrates the likelihood not to reoffend and that protection of the public would be maintained despite a prior conviction.

Appeal of Denials Relating to Making False Statement of Fact on Application: The grounds for the committee rescinding the Bureau's denial of licensure are based on the preponderance of the evidence substantiating that the respondent:

- Did not make a false statement of fact on the application; OR
- Did make a false statement of fact on the application, but doing so does not constitute an act that is substantially-related to the duties of the license and, accordingly, do not demonstrate that the respondent is unfit for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's denial of the respondent's application for licensure due to the respondent making a false statement of fact on the application.

Making a false statement of fact on an application is grounds for denial pursuant to Business and Professions Code Section 7587.1(a). False statement of fact on the application includes the respondent stating they possess experience or training that they do not; providing fraudulent documents to demonstrate experience or training; or falsifying a declarant's attestation as to their experience.

Ignorance of the law and its requirements is not a defense. The license application contains information on the licensure requirements, including disclosure requirements. Ultimately, it is the applicant who, under penalty of perjury, attests to their statements made on the application, whether by signature on a paper application or through the electronic submission of a BreEZe application, as being truthful and factual.

Additionally, some respondents may state that they did not complete the application. Given that the applicant is the one who allegedly signed the paper application or clicked the "Yes" radio button in the BreEZe application attesting, under penalty of perjury, that the "statements on this application are true and correct" this statement is not in of itself a defense. Other evidence must be presented to substantiate the fact (i.e., witness testimony that witness themselves actually completed the application). However, if this is the defense brought forth, the committee should consider whether the act or acts of misleading the Bureau by having another complete the application rise to the level of demonstrating that the respondent is unfit for licensure.

Appeals Relating to Automatic Suspensions of Guard or Proprietary Security Officer Registrations: The grounds for the committee rescinding the Bureau's suspension of a guard or proprietary security officer registration is based on the preponderance of the evidence substantiating that the respondent:

- Was not convicted of the crime(s);
- Was convicted of the crime(s), but the crime(s) and/or respondent's act(s) leading to the conviction(s) are not substantially related; OR
- Was convicted of a substantially-related crime, but they've substantiated rehabilitation to the extent that they've demonstrated fitness for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's suspension of a security guard or proprietary security officer's registration due to a criminal conviction.

1. *A Crime or Act Occurred:* The committee should assess whether the respondent demonstrated, that no criminal conviction was sustained. If the evidence presented by the respondent does not satisfy this burden of proof, then the Bureau's official notice of the occurrence of a crime or act shall stand. **Note:** If respondent demonstrates that the conviction(s) for which their registration was automatically suspended have been set aside or dismissed pursuant to Penal Code section 1203.4 or any other provision of law, the committee may not presume that a conviction occurred.
2. *The Act/Crime is Substantially Related to the Duties of a Guard:* If a crime is associated to a significant extent to the qualifications, functions and duties of a security guard, then it is considered to be substantially related. A conviction or the act(s) leading to the conviction must be substantially related for the guard registration to be automatically suspended. The grounds for making a substantially related determination include the committee member's knowledge and understanding of a security guard's responsibilities and qualifications.
3. *Nature and Severity of a Substantially-Related Crime:* By law, a felony is a more severe crime than a misdemeanor. However, felonies often are pled down to misdemeanors and, therefore, committee members should not consider the classification of the crime as the sole indicator as to the nature and severity of a crime or act. Committee members also should consider the nature and severity of the respondent's act(s) or behavior that led to the conviction including the resulting harm and/or damage to person or property.
4. *Rehabilitation:* Automatic suspensions involve recent convictions; therefore, there may be insufficient time for the respondent to demonstrate rehabilitation. However, if the respondent provides evidence to this effect, for the purpose of making a decision of fitness for licensure, rehabilitation involves the extent that a respondent demonstrates the likelihood not to reoffend in the future. Consideration of mitigating factors is also appropriate.

Appeals Relating to Issuance of Fine(s): The grounds for the committee rescinding the Bureau's issuance of a fine is based on the preponderance of the evidence demonstrating that the respondent did not violate the specified provision of the PSS Act. The grounds for the committee modifying a fine the Bureau issued is based on the preponderance of the evidence substantiating that a violation of the PSS occurred, the authorizing section of law providing discretionary authority on the fine amount, and the committee's determination as to appropriate fine amount. **NOTE:** The committee does not have the statutory authority to modify fines set in statute.

The following information is provided to assist committee members in deciding whether to affirm, rescind or modify the Bureau's issuance of a fine.

The Legislature established requirements for maintenance of the license and standards of conduct for licensees in the PSS Act to help support public safety and consumer protection. As a means to promote licensees' compliance, the Legislature authorized the Bureau to issue fines for violations of these requirements and standards. Many fine amounts are

established in law and the Bureau only needs to establish that the violation occurred. Other fines have a maximum amount that may be imposed, and the Bureau must establish that a violation occurred and determine a fine amount commensurate with the act(s) or omission(s) committed by the licensee.

Committee members should keep in mind that they are not determining whether the respondent's act or omission is acceptable or unacceptable. The Legislature determined the conduct and acts as unacceptable by identifying them as a violation of the PSS Act, and authorizing the Bureau to issue a fine to promote compliance.

Some respondents may state that they were not aware of the requirement(s) or standard(s). This type of testimony does not establish a defense. The licensee or the licensee's qualified manager is responsible for being knowledgeable of the requirements in the PSS Act, and ignorance of the law and its requirements is not a defense.

1. *Violation of the Act Occurred:* The Notice of Citation the Bureau issued to the licensee details the applicable code section(s), a brief description of the statutory requirement(s) and the Bureau's findings relating to the respondent's act(s) or omission(s) that gave rise to the violation(s). When possible, the Bureau will have an Enforcement Representative present at the hearing to present the facts of the case and answer any technical questions the committee may have. Committee members are to assess the reasonableness and relevance of the evidence (Notice of Citation, Investigation Report, and testimony) provided by the Bureau and the testimony and evidence provided by the respondent and the respondent's witnesses, if applicable, in guiding their determinations.
2. *Modifying the Fine Amount:* If the committee determines that a violation of the Act occurred and the violation is associated with an up-to-maximum fine amount, committee members should consider what amount of fine would be commensurate with the respondent's act(s) and behavior as well as the effect the fine would have in deterring the respondent from committing a future violation of the PSS Act. **NOTE:** The Committee may not modify a fine amount set in statute nor may the Committee increase a fine assessed by the Bureau.

Appeals of Denials for Failing to Meet Required Experience and/or Education: The grounds for the committee rescinding the Bureau's denial of licensure is based on the preponderance of the evidence (applicant's statements, supporting documents and declarant's attestations) demonstrating that the respondent satisfies the requirements for the license.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's determination that the respondent does not meet the requirements for licensure.

The Legislature established minimum standards for obtaining a license regulated by the PSS Act. See *Minimum Requirements for Licenses Regulated by the PSS Act* (Attachment 7, page 57) for a list of the licenses and their related minimum requirements. Committee members must determine if the respondent has demonstrated that they comply with the requirements. In making this determination, committee members must keep in mind that the minimum requirements for licensure set by statute may NOT be waived, lessened or modified. The committee solely must consider whether the respondent, by preponderance of the evidence, demonstrates that they satisfy the minimum requirements.

Committee Motions

All committee motions and votes shall be carried out in accordance with the Committee's **Rules of Order** (Attachment 4 on page 51). A decision is reached on a given motion by a majority of voting members. In the case of a tie, the decision reverts to the Bureau's decision to deny, suspend or fine the respondent. See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 57) for additional factors to consider when reaching decisions.

The committee may make the following motions on the Bureau's initial action to deny an applicant; suspend a license, registration, certificate or permit; or issue an administrative citation to a license, registrant, and certificate or permit holder:

- Affirm (uphold)
- Rescind (overturn); or
- Modify

NOTE: The committee may not take an action that includes a penalty more severe than the Bureau's action (e.g., increasing the amount of an administrative fine). Furthermore, in some instances (e.g., fines set by statute), the committee may NOT modify the penalty.

Preparing the Decision

Bureau staff will provide the Chairperson with the Decision and Order document, which is addressed to the respondent, to complete with the committee's decision and the basis for the decision. The Chairperson, or the Vice Chairperson in the absence of the Chairperson, or the Acting Chairperson in the absence of the Chairperson and the Vice Chairperson must sign the document. The Bureau will mail the document to the respondent along with a cover letter outlining the procedures for the respondent to appeal to an administrative law judge if respondent disagrees with the DRC's decision. DRC committee decisions are final if the respondent fails to request an administrative hearing within 30 days from the date the Decision is mailed to the respondent. Please note, the signed decision of the DRC is subject to public disclosure under the California Public Records Act.

Discussion of Cases

Committee members must remember that while a primary purpose of the DRC is to provide respondents a more timely decision than that afforded through the administrative hearing process, the respondent has the right to appeal the DRC's decision to an administrative law judge. To maintain the integrity of any subsequent hearings, committee members shall not discuss the nature of the appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to any case heard by the committee, they **MUST** immediately notify the DRU Manager and the Bureau staff who oversee the DRC activities.

NON-REVIEW AGENDA ITEMS

Other Items on Agenda

The Chairperson must verbally recognize all items on the Agenda posted online with the public Notice of the meeting and ensure that, if applicable, the public has an opportunity to directly provide comment to the committee during the discussion of each item prior to any action taken. Any motions made shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 51)

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 51)
2. The adjournment and time will be announced by the Chairperson and recorded for the Meeting Minutes.

PRIVATE SECURITY DISCIPLINARY REVIEW COMMITTEE CHAIRPERSON'S INSTRUCTIONS

OPENING THE MEETING:

- Establish a quorum of Committee
- Approve past Disciplinary Review Committee meeting minutes and address all other items on the Agenda listed before Review items
- Request motion to hear respondents in sign-in order instead of Agenda order

REVIEW INSTRUCTIONS:

INTRODUCTION

Chairperson introduces all committee members.

Chairperson reads:

" My name is [name], [Chair/Vice-Chair] of the Private Security [North/South] Disciplinary Review Committee. This Disciplinary Review Committee is appointed by the Governor of the State of California to hear appeals of decisions made by the Bureau of Security and Investigative Services regarding denials, suspensions, and administrative fine assessments. The committee may affirm, rescind or modify the Bureau's decision based on the information in the Bureau's file and your testimony today.

We will now begin the review of the Bureau's decision to:

- **deny** the (type of license/registration/certificate) of (name of respondent).
- **suspend** the (type of license/registration/certificate) of (name of respondent).
- **impose an administrative fine** against (name of respondent)."

RESPONDENT'S COUNSEL/WITNESS

Ask respondent if they are represented by counsel or are being assisted by a representative. If yes, ask the respondent to introduce them for the record.

Ask respondent if they have any witnesses. If yes, ask the respondent to identify the person by name, and relationship to the respondent for the record. Chairperson should ask if the witness is participating as a character reference or as a witness to the events.

OATH TO RESPONDENT AND, IF APPLICABLE, WITNESS(ES).

Chairperson reads:

"I will now be reading you the oath. Do you swear to tell the truth, the whole truth and nothing but the truth?"

RESPONDENT'S NAME AND ADDRESS

Chairperson reads:

"Please state the following information for the record: Your full name, current address, and name of your current employer (if any)."

BUREAU PRESENTS CASE FACTS

Chairperson reads:

"A Bureau representative will now read the facts of this case."

After the Bureau representative reads the facts, **Chairperson reads:**

"Please note that the information read by Bureau staff is listed on your [denial/suspension/citation] letter as the reasons for your [denial/suspension/citation]. Before moving on to your testimony, please advise the committee if you have any objections to the information read."

If the respondent has no objection, the Chairperson shall state for the record:

"Having heard no objection, the committee takes official notice of the Bureau's case facts. We will continue with the review."

If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections.

The Chairperson shall state for the record:

"The committee notes, for the record, the respondent's objections. We will now proceed with the review."

RESPONDENT'S TESTIMONY

The Chairperson reads:

"Now is your opportunity to address the committee regarding your appeal and provide your verbal testimony. Please begin."

IF THERE'S A WITNESS

After the Respondent's testimony, the Chairperson may call any witness for their testimony. The Chairperson should remind the witness that they are under oath.

IF THERE'S COUNSEL/REPRESENTATIVE

If counsel or a representative for the respondent is present, the Chairperson should ask the counsel/representative if they have anything to share. NOTE: There may be need to advise counsel not to disrupt the review proceedings and to admonish counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.

COMMITTEE MEMBER'S QUESTIONS

For the purposes of the hearing, the chairperson can individually ask each committee member if they have questions one at a time. Once the committee member is finished asking their questions, the chairperson should move to the next member.

CONCLUSION OF TESTIMONY/CLOSED SESSION

Upon determination that all committee members have asked all of their questions and the respondent has had the opportunity share their testimony, the Chairperson shall ask the respondent if they have anything else to share.

The Chairperson shall state for the record:

"Prior to the Disciplinary Review Committee ending this review, if you have anything else you want to add or expand on, please do so now."

Upon conclusion of the respondent's additional information, the Chairperson shall close the record of the matter by stating:

"The record in the review of the <denial, revocation, citation> against <respondent's name> is now closed.

After the Chairperson closes the record, the Chairperson shall inquire for public comment:

"The Disciplinary Review Committee is now open for public comment."

After public comment ends, the Chairperson will close the review:

"The Disciplinary Review Committee is now going into closed session to deliberate on your case. You will be notified by mail of the Committee's decision within 30 days. Please do not call the Bureau for the results of your review before this time. Thank you for appearing for your review".

RETURNING TO OPEN SESSION

Upon reconvening back into open session, the Chairperson should state for the record:

"The Committee is back in open session. For the record, the Committee made a decision on [respondent's name's] appeal. The review is now concluded".

PRIVATE SECURITY DISCIPLINARY REVIEW COMMITTEE BAGLEY-KEENE OPEN MEETING ACT – KEY PROVISIONS

(Note: GC = Government Code Section)

All Disciplinary Review Committee (DRC) meetings must be carried out in accordance with the provisions of the Bagley-Keene Open Meeting Act (Act). It should be noted that the Act's provisions also apply when three or more DRC members are in communication by telephone or email. This means that these communications would be subject to the Act's noticing and minute-taking requirements, as well as public records act requests.

1. DRC meetings are open to the public except during periods when a meeting is in "closed session" as identified on a meeting agenda. *(GC 11123)*
2. All DRC meetings must be publicly noticed. The Notice and Agenda must be posted on the BSIS website at least 10 calendar days in advance of the scheduled meeting and include a brief description of each specific item to be discussed. *(GC 11125)*
3. No item will be added to a meeting's Agenda after the meeting has been noticed. *(GC 11125)*
4. DRC members must permit public comment on an Agenda item after discussion of the item by DRC members and before going to closed session, **unless**: *(GC 11125.7)*
 - a. The public was provided an opportunity to comment at a previous meeting and the item has not substantially changed since the last meeting.
 - b. The subject matter is appropriate for closed session.
5. A BSIS staff member must be present during all closed sessions during the meeting to record minutes of the topics discussed and decisions made. *(GC 11126.1)*
6. During a DRC meeting, an emergency closed session is not allowed. *(GC 11126.3)*
7. The Meeting Agenda will include an item entitled "Agenda Items for Future DRC Meetings" to provide DRC members and the public the opportunity to request a specific item for a future meeting. Issues raised under this Agenda item should be discussed only to the extent necessary to determine whether they should be included as an Agenda item for a future meeting.

GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)

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BAGLEY-KEEN OPEN MEETING ACT

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**GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)**

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2017. Please disregard all previous Guides to the Bagley-Keene Open Meeting Act (distributed prior to January 15, 2017) on this subject.

All statutory references are to the Government Code.

I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give timely and sufficient public notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

Section 11121 defines the "state body" that is subject to the Bagley Keene Act.

Unless specifically excluded by statute, a "state body" is defined as a state board, commission or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order; or a

board, commission committee or similar multimember body that exercises any authority, delegated to it by that state body; or an advisory commission, an advisory board, advisory committee, advisory subcommittee or similar multimember advisory body of a state body, if created by formal action of the state body or any member of the state body, and if the advisory body so created, consists of three or more persons. Effective April 1, 2016, the definition of "state body" was amended to include the State Bar of California, as described in Section 6001 of the Business and Professions Code. Notwithstanding subdivision (a) of section 11121.1, amended effective April 1, 2016, the State Bar is subject to the Bagley-Keene Open Meeting Act and the California Public Records Act. (§ 11121(e))

II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

A. Definition of a "Meeting"

"Meeting" is defined in the Act as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b) (1)).

B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** "a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body." (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))

- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official of a state agency from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency's subject matter jurisdiction – with the limitation that the person cannot communicate to members of the legislative body, the comments or position of any other member of the legislative body. (§11122.5(b)(2))

C. Board and Committee Meetings

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not exercise any authority of a state body delegated to it by that state body. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

[Restriction on Attendance at Committee Meetings] The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members of the board who are not members of this committee may be attending the meeting only as observers."

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of "state body" in Section 11121(c)."

III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a "special" meeting, or an "emergency" meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

A. Regularly Scheduled Meetings

1. Who May Hold a Regularly Scheduled Meeting

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

2. Purposes for Which the Meeting May be Held

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board's licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.

3. Notice Requirements for a Regularly Scheduled Meeting

a. Board Meetings

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice." (§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. (§11125(f)) We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting _____ at (916) _____ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc., without specifying the particular matters thereunder, lack sufficient specificity to meet the standards of the Open Meeting Act and cannot be used to circumvent the notice requirement of a specific agenda. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate under the circumstances.

* * *

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be acted on or discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

It must be reiterated that no action may be taken on any such item and discussion is limited to that which is necessary to make the determination as to whether the item will be added to a future board agenda.

While neither the California Victim Compensation Board nor the Government Claims Board are within the Department of Consumer Affairs, any hearing conducted by either of these boards, pursuant to Section 13963.1 and neither representative requests the hearing be open to the public, the notice, agenda, announcement or report need not identify the applicant. (§11125.8)

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so choose.

b. Committee, Subcommittee or Task Force Meetings

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) You may elect to send such notice to those persons on your regular mailing list.

Remember, you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board, and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

4. Specific Requirements for Regularly-Scheduled Meetings

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

B. "Special" Meetings

SB 95 of 1997 created a new category of meeting, identified as a "special" meeting.

1. Who May Hold a Special Meeting

A board, committee, subcommittee or task force may hold a special meeting.

2. Purposes for Which a Special Meeting May be Held

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

* * *

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

3. Notice Requirements for a Special Meeting

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 "would impose a substantial hardship on the state body or where immediate action is required to protect the public interest." (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency's meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing

notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business other than that noticed may be transacted. Notice is required even if no action is subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

4. Specific Requirements During Special Meetings

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

5. Specific Prohibitions on Holding a Special Meeting

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

C. "Emergency" Meetings

1. Who May Hold an Emergency Meeting

A board, committee, subcommittee or task force may hold an emergency meeting.

2. Purposes for Which an Emergency Meeting May be Held

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

"(1) Work stoppage or other activity that severely impairs public health or safety, or both.

"(2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

3. Notice Requirements for an Emergency Meeting

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

4. Specific Requirements for an Emergency Meeting

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- * Minutes of the meeting
- * A list of persons notified, or attempted to be notified, of the meeting
- * Any action taken at the meeting
- * A copy of the rollcall vote on action taken (§11125.5(d))

5. Specific Prohibitions on Holding an Emergency Meeting

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

IV. CLOSED SESSIONS

A. Purposes for Which Closed Session Can be Held

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes:

1. Personnel Matters

A board may meet in closed session to "... consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing . . . which notice shall be delivered to the employee personally or by mail at least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

2. Examination Matters

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

3. Matters Affecting Individual Privacy

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

4. Administrative Disciplinary Matters

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act. (§11400, *et seq.*; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

5. Board of Accountancy Matters

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

6. Pending Litigation

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

7. Response to Confidential Final Draft Audit Report

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

8. Threat of Criminal or Terrorist Activity

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

9. Advisory Bodies/Committees May Meet in Closed Session

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126(f), (4)-(6))

10. Open Session Otherwise Required

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

B. Notice and Reporting Requirements for Closed Sessions

1. Notice of Closed Session

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

"Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above,

also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

"A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

V. MEETING BY TELECONFERENCING

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

Effective January 1, 2015, subdivision (c) was added to Government Code section 11123 to require that any action taken and the vote or abstention on that action of each member present for the action be publicly reported by the state body. (Stats. 2014, Chapt.510; AB 2720)

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting. (§11123(b)(2))

VI. DELIBERATIONS AND VOTING

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly. (§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

A. Seriatim Calls to Individual Agency Members Prohibited

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (*Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the *Stockton Newspapers, Inc.* case, the court in *Sutter Bay Associates v. County of Sutter* held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4th 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members "to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency." (Emphasis added.) (§11122.5(b))

B. E-Mail Prohibition

Section 11122.5 was amended by Stats. 2009, c. 150 (A.B. 1494) to provide:

(b)(1) A majority of the members of the state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state

agency, if that person does not communicate to members of the legislative body the comments or position or any other member or members of the legislative body.

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.

Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

C. Secret Ballot Prohibited

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

D. Voting by Proxy Prohibited

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

E. Use of Electronic Devices During Meeting

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

"You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format."

F. Voting by Mail on Administrative Disciplinary Matters

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

G. Recording and Reporting Votes

Beginning January 1, 2015, for each item on which a vote is taken, the minutes must contain a record of how each member voted on that action item. (For example, Yes – Members A, B, & C; No – Members D & E; Abstain – Member F.)

VII. MISCELLANEOUS PROVISIONS

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

A. Conforming Board Member's Conduct

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

B. Providing Open Meeting Act to New Board Members

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

C. Prohibition on Placing Conditions on Public's Attendance

1. Sign-in

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

2. Discrimination in Admittance to Meeting Facility

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

3. Access for the Disabled

All meetings must be accessible to the disabled. (§11131)

4. Charging a Fee or Requiring a Purchase for Access

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

D. Agency Recording of the Proceedings

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

E. Public's Right to Record the Proceedings

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute a persistent disruption of the proceedings. (§11124.1(a))

F. Media Broadcast of the Proceedings

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

G. Webcasting

Whether or not webcasting is required, if your meeting is webcast, it is our recommendation that you place the following statement on your agenda:

"While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources."

H. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that "All times indicated and the order of business are approximate and subject to change," to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that "Items scheduled for a particular day may be moved to an earlier day to facilitate the board's business." Again, the purpose may not be to frustrate public or other input.

I. Opportunity for Public Comment at Meetings

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency's discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

Section 11125.7 was amended, effective June 27, 2016 to provide an equal time provision when the state body limits the time for public comment, by requiring the state body to provide at least twice the allotted time to a member of the public who uses a translator. This amendment is to ensure that non-English speakers receive an equal opportunity to address the state body when simultaneous translation equipment is not used. (Stats of 2016 chapt. 31 SB 836)

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

VIII. DISCLOSURE OF DOCUMENTS

A. Documents Distributed Prior to the Meeting

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

B. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

C. Charging a Fee for Public Documents

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

IX. PENALTIES

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open

Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor." (Emphasis added.)

PRIVATE SECURITY DISCIPLINARY REVIEW COMMITTEE RULES OF ORDER

All committee meetings will be conducted according to the Private Security Disciplinary Review Committee Rules of Order (Rules of Order). These rules are meant to be used as tools to help make orderly, collective decisions in a cooperative, respectful way. Committee members should be familiar with these Rules of Order and conduct themselves accordingly.

Committee Chairperson Selection

Committee members shall select a Chairperson to preside over the meetings for a one-year term. However, there is no restriction on the number of terms a Chairperson may serve and committee members may change the selection of a Chairperson at any given time by noticing the event on a meeting agenda and by a majority vote of the committee. The committee should also establish a Vice Chairperson in case the Chairperson is absent or must disqualify themselves from any item before the committee. The selection of both the Chairperson and Vice Chairperson shall be conducted by an official vote of the committee and the motion and vote shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

If neither the Chairperson nor Vice Chairperson is present, an Acting Chairperson will be selected by an official vote of the members present with the motion and vote carried out in accordance with the "Meeting Motions" section of these Rules of Order. However, the committee may not proceed as a formal committee if it does not have a quorum (see Item 2 under Opening the Committee Meeting Section).

It should be noted that the Chairperson, Vice Chairperson, or Acting Chairperson has no more authority than any other DRC member regarding participation in the decision of an appeal. The Chairperson, Vice Chairperson or Acting Chairperson is responsible for conducting the meeting in accordance with these Rules of Order, maintaining order during the meeting, and assuring that all persons before the committee are treated impartially and courteously.

Meeting Motions

When a motion is made, the committee members who made and seconded the motion, and the official committee vote on the motion are to be recorded for the Meeting Minutes. A decision is reached by a majority vote of the committee. In the case of a tie vote on a motion relating to a respondent's appeal, the Bureau's decision to deny, suspend or fine the respondent stands.

Opening the Committee Meeting

1. The Chairperson shall conduct a roll call of the members present to establish a quorum. Each committee member must verbally acknowledge their presence for the Meeting Minutes.
2. Upon establishment of a quorum, the Chairperson must note the official time the meeting is called to order and the time is recorded for the Meeting Minutes.

If a quorum is not established, but is expected to be established within a short time from the commencement of the meeting (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal review heard later when the quorum is established, or request the review be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal review, in closed session, at a time deemed appropriate by the committee chair. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the case. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals -- respondent and their witness(es) or representative as well the committee members -- are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

3. The Chairperson shall note for the record that the meeting will be conducted in the order of the Agenda of the meeting's Public Notice. A motion must be made to modify the Agenda item listing the respondents scheduled to appear before the committee to hear their appeals in accordance with the respondents' sign-in sheet. The motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.
4. A motion should be made to adopt the Minutes from the previous DRC meeting and the motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

Review of a Respondent's Appeal

1. While respondents are to be heard in sign-in order, a motion can be made to hear a respondent out of order for hardship situations only upon motion and vote of the Committee. Any motion made shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.
2. At the beginning of each review, the Chairperson must read, for the record, the respondent's name and corresponding item number from the meeting's Agenda even if the respondent is being heard out of Agenda order or providing written testimony.

3. A committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality in accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 55).
4. Chairperson shall use the *Disciplinary Review Committee Chairperson's Instructions* (Attachment 1 of the Private Security Disciplinary Review Committee Reference and Procedures Manual) to carry out the review.
5. Chairperson will ensure that all committee members present are afforded the opportunity to ask questions or provide comments on any item on the meeting's Agenda.
6. Upon conclusion of each respondent's appeal review, the Chairperson will state for the record that the meeting is going into Closed Session.

Closed Session Deliberations

1. Only committee members and permitted Bureau staff are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision making, but may answer procedural questions and shall record the minutes of the closed session as required by Section 11126.1 of the Government Code.
2. Closed Session Minutes are confidential. Members cannot discuss closed session items in open session or in public, even with other members.
3. The motion to affirm, rescind, or modify the Bureau's initial decision shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order. The Committee shall render a decision on every appeal noted on the Agenda, including those involving respondents who did not appear. Exception: Respondents who opted not to present their case due to lack of a quorum.

NOTE: The committee cannot issue a decision that includes a penalty more severe than the Bureau action under review such as increasing the amount of a fine. Further, when a fine amount is set by law (e.g., \$100.00 for the first violation) the committee cannot issue a decision that alters the fine amount.

Other Agenda Items

The Chairperson must establish for the record all respondents who did not attend the meeting by reading their name and corresponding item number from the meeting's Agenda and stating "no show."

The Chairperson must verbally recognize all remaining items on the Agenda on the Public Notice. Any motions made shall be carried out in accordance with "Meeting Motions" section of these Rules of Order.

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out during open session and in accordance with the “Meeting Motions” section of these Rules of Order.
2. The adjournment and time will be announced by the Chairperson and recorded for the Meeting Minutes.

Committee Member Expectation Guidelines

1. Review the cases prior to the hearings so you are familiar with the issues and prepared to make inquiries as needed.
2. Arrive at least 15 minutes before the meeting start time to allow for time to take care of any pending issues.
3. Speak audibly and clearly during the meeting to enable everyone in the room to hear and understand you.
4. During a respondent's review, be courteous, respectful, and provide your full attention to the person speaking whether it is the respondent, their attorney or witness(es), or another committee member.
 - Do not make inquiries or comments about a respondent's clothes or appearance UNLESS it is directly related to the issue(s) of the appeal.
 - Do not make inquiries or comments about a respondent's ability to speak/comprehend English unless it relates to determining the respondent's ability to comprehend procedural activities.
 - Do not question the education of a respondent unless it is directly related to the issue(s) of the appeal.
 - Do not ask the respondent questions personal in nature unless it relates to rehabilitation (see guidelines for rehabilitation in the DRC manual).
 - Do not make inquiries into matters unrelated to the direct facts or issues of the case.
 - Do not make inquiries that relate to protected statuses. For example, "what is your religion or ethnic background?" or "are you a U.S. citizen?:"
 - Do not indicate either through words or demeanor that you and/or the committee may have already reached a decision or may be predisposed to a certain decision.
 - Do not use cell phones (including texting), laptops or any other telecommunication device that could give the impression that you are not providing your full attention to the appeal. **REMEMBER:** A person is more likely to accept the committee's decision if they believe they were heard, and treated impartially and respectfully.
5. Do not discuss an appeal case with another committee member before the review. Prior communication(s) could prejudice the review and could result in the committee's decision being challenged or nullified. Further, under certain circumstances, prior discussions could be subject to **Bagley-Keene Open Meeting Act** and **Public Records Act** (Act) requests. Violations of the Act may be a criminal offense. If you have a question regarding an appeal case, contact the DRU Manager or Bureau employee who staffs the committee.
6. You must recuse yourself from a review as soon as you become aware of factors that could affect your impartiality or could be perceived as affecting your impartiality. These factors may include but are not limited to a prior or current work-related or personal relationship with the applicant or licensee. If you recuse yourself, do **NOT** make any statements to the other committee members regarding the respondent or issues relating to the appeal. You are only to state, for the record, that you are recusing yourself from the review due to a conflict. The member's name and the act of recusal shall be recorded in

the Meeting Minutes. Once you recuse yourself from a review, you MUST leave the room during testimony to prevent accidental participation such as through body language. Further, you are NOT permitted to be in the room during closed session.

NOTE: If you determine that you will need to recuse yourself from a review prior to the day of the hearing, immediately contact designated Bureau staff. This information is important to identify a potential lack of quorum for the case.

7. Committee members should respect the Chairperson's right to control the process of the meeting. Only one matter will be before the committee at any time and no other discussion is in order.
8. Remember, your comments and/or actions could impact any future proceedings on the appeal. For this reason, you are not to discuss the nature of appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to an administrative or court proceeding for any case heard by the committee, they MUST immediately notify the DRU Manager and Bureau staff who oversee the DRC activities.

Criteria for Evaluating Rehabilitation

The following information is provided to assist members with decisions relating to rehabilitation.

CALIFORNIA CODE OF REGULATIONS, TITLE 16, Division 7, Section 602.1

When considering the denial, suspension, revocation or reinstatement of a license for which application has been made under Chapter 8.5, 11, 11.3, 11.4, 11.5 or 11.6 of the Code on the ground that the applicant, licensee, or petitioner has been convicted of a crime, the bureau shall consider whether the applicant, licensee, or petitioner made a showing of rehabilitation if the applicant, licensee, or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the bureau shall consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant, licensee, or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

If the applicant, licensee, or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, the bureau determines that the applicant, licensee, or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial, suspension, revocation, or reinstatement is based on professional misconduct, or the denial, suspension, revocation, or reinstatement is based on one or more of the grounds specified in Sections 6980.45, 6980.47, 6980.71, 6980.73, 6980.74, 7503.5, 7504.1, 7505.3, 7506.8, 7506.14, 7507, 7510.1, 7538, 7538.5, 7561.1, 7561.3, 7561.4, 7564.1, 7574.15, 7574.31, 7582.19, 7582.23, 7582.24, 7582.25, 7583.15, 7583.16, 7583.21, 7583.42, 7587.1, 7587.3, 7587.4, 7591.8, 7591.10, 7598.12, 7599.32, and 7599.61 of the Code, the bureau shall apply the following criteria in evaluating an applicant, licensee, or petitioner's rehabilitation:

- (1) The nature and severity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) If applicable, evidence of proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) The criteria in subdivision (a)(1) through (5).
- (8) The total criminal record.

Penal Code Section 1203.4

If an individual has fulfilled the conditions of probation, they may petition the court and be granted an Order of Dismissal under Penal Code Section 1203.4. This section allows a plea of guilty or nolo contendere to be put aside and a plea of not guilty to be entered.

Business and Professions Code Section 480(c) provides, as follows: "Notwithstanding any other provisions of the code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal."

Minimum Requirements for Licenses Regulated by the PSS Act

Security Guard Registration (BPC Sections 7582.8 and 7583.6)

1. 18 years of age
2. Completion of the 8-hours Powers to Arrest Training

Private Patrol Operator License (BPC Sections 7582.7, 7582.8, 7583.1, 7583.39 & 7583.40)

1. 18 years of age
2. Applicant or qualified manager for applicant must possess at least one year of experience as a patrolperson, guard, or watchman, or the equivalent thereof as determined by the Bureau Chief.
3. Business organized as a sole owner, partnership or corporation. PPO cannot be organized as a limited liability company.
4. \$1 million general liability insurance policy naming PPO as the sole insured

Firearms Training Facility (BPC 7582.8 and 7585.3)

1. 18 years of age
2. Business organized as a sole owner, partnership, or corporation. TFF cannot be organized as a limited liability company.

Firearms Training Instructor (BPC 7582.8 and 7585.5)

1. 18 years of age
2. Must satisfy both of the following requirements:
 - Associate Degree in the administration of justice, OR one year (1 year = 2,000 hours) of teaching or training experience in firearms OR the equivalent, AND
 - A police or security firearms instructor training certificate issued by the NRA, OR a firearms instructor training certificate issued by a federal, state or local agency.
(NOTE: Cannot be just an NRA Firearms Instructor Certificate; must be a police or security firearms instructor certificate.)

Baton Training Facility (BPC 7582.8 and 7585.11)

3. 18 years of age
4. Business organized as a sole owner, partnership, or corporation. TFB cannot be organized as a limited liability company.

Baton Training Instructor (BPC 7582.8 and 7585.12)

1. 18 years of age
2. Must satisfy both of the following requirements:
 - Associate Degree in the administration of justice or the equivalent, AND
 - Possess a baton instructor training certificate issued by a federal, state or local agency OR one year (1 year = 2,000 hours per CCR 620) of verifiable baton teaching or training experience OR equivalent.

Firearms Permit -- Initial (BPC 7582.8, 7583.22 and 7583.4)

1. 18 years of age
2. Completed the 8-hours Power to Arrest Course
3. Completed a 40-hours course as prescribed in Title 16, Division 7, Section 635 of the California Code of Regulations (Attachment 8, page 61).
4. Not prohibited by the Department of Justice from possessing a firearm

Firearms Permit – Renewal (BPC 7583.25 and 7583.32)

1. Must submit an application with no deficiencies prior to the expiration of the current permit.
2. Completed four (4) requalifications as prescribed in Title 16, Division 7, Section 633 of the California Code of Regulations (Attachment 9, page 65).
 - a. Completed and passed a review training course with each four (4) requalifications
 - b. Qualified on range on two (2) separate occasions, at least four months apart, within each twelve-month period before the permit expires.
 - c. At least one (1) of the range qualifications in each twelve-month period completed using live ammunition.
 - d. Completed range qualification for each caliber of firearm listed on the permit.

Firearms Training Course - California Code of Regulations §635

(a) Each applicant for an initial firearms permit shall complete classroom training related to the use of firearms, as outlined below, and complete and successfully pass an examination. Classroom training shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility. The following outline includes the minimum subjects which shall be taught and the minimum length of time which shall be devoted to each subject. Classroom training shall be completed before range training and before any attempt at range qualification.

FIREARMS TRAINING OUTLINE Recommended Instruction Sequence		
<i>Subject and Objective</i>		<i>Length of Time</i>
I. Registration (Classroom)		
A. Administration. Objective: to enroll individual in course.		1/2 hour
1. Check individual identification		
2. Check individuals Bureau registration status		
3. Course admission and discussion		
B. Laws and regulations for issuing a firearms permit.		1/2 hour
Objective: to familiarize and instruct individual on the laws, regulations, other requirements, and the administrative process for issuing a firearms permit and renewals.		
II. Moral and Legal Aspects (Classroom)		
A. Laws regarding possession and carrying of firearms.		1/2 hour
Objective: to familiarize and instruct individual on the applicable laws relating to the possession and carrying of firearms while working as an armed security guard.		
1. Penal Code sections		
2. Government Code sections		
3. Bureau statutes and regulations		
4. Instructor examples		
B. Laws and standards regarding use of deadly force.		2 hours
Objective: to familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.		
1. Penal Code sections		
2. Government Code sections		
3. Bureau statutes and regulations		
4. Instructor examples		
C. Avoidance of deadly force--The de-escalation of force.		2 hours
Objective: to familiarize and instruct individual on the role of the firearms permit holder, the role that deadly force may play and when and how to de-escalate the use of deadly force.		
D. Shooting incidents.		1 hour
Objective: to familiarize and instruct individual on what is likely to happen in a shooting incident and how a firearms permit holder should act to minimize the use of deadly force.		
E. Effects of firearms use.		1/2 hour
Objective: to familiarize and instruct individual on how and why bullets travel and what implications this has on the use of deadly force.		
III. Firearms Nomenclature, Maintenance (Classroom)		
A. The revolver and semi-automatic, ammunition, parts and nomenclature.		1 hour
Objective: to familiarize and instruct individual on the principles and operation of weapons, the differences between weapons and how to care for a weapon.		
1. Picture of revolver and semi-automatic with parts identified		
2. Revolver and semi-automatic, parts and description		
3. Picture of ammunition with parts identified		
4. Ammunition parts and description		

B. Firearms safety, general.

1 hour

Objective: to familiarize and instruct individual on how to safely fire, wear and store the weapon while on the firing range, or on duty or off duty.

1. General safety rules
2. Specific safety rules
3. Safety at home and off duty
4. Transporting the weapon to the range
5. Carrying the weapon on duty
6. Suggested eye and ear protective equipment
7. Inspection, cleaning, and maintenance
 - a. General information
 - b. Inspection
 - c. Cleaning
 - d. Cleaning kit
 - e. To clean the weapon
 - f. Check list

IV. Weapon Handling and Shooting Fundamentals

1 hour

Objective: to familiarize and instruct individual on the fundamentals of marksmanship and the handling of weapons.

- A. Weapon fundamentals, general differences between handguns
- B. Loading/Unloading
 1. Proper loading procedures
 2. Proper loading procedures (right handed)
 3. Proper unloading procedures (right handed)
 4. Proper loading procedures (left handed)
 5. Proper unloading procedures (left handed)
 6. Loading devices
- C. Proper positions
 1. Point shoulder position
 2. Standing, barricade or supported position
 3. Kneeling position
 4. Sitting position
 5. Prone position
 6. Cover and concealment
 7. Bouncing bullets
- D. Grip
 1. Two-handed grip

- E. The draw
 - 1. General information
 - 2. The holster and the draw
 - F. Shooting Fundamentals
 - 1. Sight alignment
 - 2. Trigger squeeze (control)
 - a. Single action
 - b. Double action
 - c. Count your shots
 - d. Anticipation
 - e. Dry firing
 - 3. Establishing the Dominant Eye
- V. Examination 1 hour

(b) In addition to completing and successfully passing an examination related to the use of firearms, each applicant for an initial firearms permit shall complete range training as outlined below. Range training shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

Range Training Outline

- VI. Range Preparation (Classroom) 1 hour
- Objective: individual will review range safety and the fundamentals of marksmanship and deployment of weapons. In addition, the individual will review requirements for the use of deadly force.
- A. Range location
 - B. Equipment needed
 - C. Course of fire (explanation)
 - D. Targets, scoring explanation
 - E. Range commands (explanation)
 - F. Use of deadly force
- VII. Range Training As needed
- Objective: to instruct individual in the safe and accurate use of a firearm until such time as the individual demonstrates to the instructor that he or she can safely draw and fire the weapon and has a high likelihood of passing the qualification course.
- A. Instructions
 - B. Drawing and holstering practice
 - C. Dry firing
 - D. Loading and reloading procedures

(c) After completing both classroom-based firearms training and range training, each applicant for an initial firearms permit shall complete range qualification. The applicants initial range qualification shall only be completed by firing live ammunition and shall not be completed with a firearm simulator. The applicant must complete each range qualification with the same caliber of weapon that will be listed on the firearms permit and carried by the permit holder while on duty. If the applicant seeks to qualify for more than one caliber of weapon, the applicant must complete a range qualification for each additional caliber to be listed on the firearms permit. Each Range qualification shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

VIII. Range Qualification

Objective: individual shall pass a range qualification based on his or her demonstrated use of a weapon.

- A. Course of fire. Each individual shall discharge 50 rounds a minimum of 2 times according to the following schedule: (All stages are unsupported.)

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6,6 and 2) *6 standing position *8 kneeling position
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and 6) *6 strong hand unsupported (reload and switch hands) *6 weak hand unsupported
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

- B. Scoring. The first course of 50 rounds discharged shall be considered practice. The second course of 50 rounds discharged shall be used for scoring.
1. Silhouette targets shall be used. A 5 point score shall be granted for each round discharged inside of the seven (7) ring (center mass) as specified in Section 635.1.
 2. Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment.
 3. Each individual shall be informed whether his or her score passes or fails.

(d) A Bureau-approved Firearms Training Instructor conducting the range qualification must certify under penalty of perjury that an initial firearms permit applicant completed the required range qualification using live ammunition and provide a signed copy of the qualification documentation to the applicant.

Authority cited: Sections 7515, 7581, 7585, 7585.6 and 7591.6, Business and Professions Code. Reference: Sections 7542, 7583.22, 7583.23, 7583.37, 7596, 7596.3 and 7599.40, Business and Professions Code.

Biennial Renewal of Firearms Permit - California Code of Regulations §633

(a) An applicant shall complete and pass the review training course on the laws and standards regarding use of deadly force, avoidance of deadly force, and de-escalation of force, as outlined below. All required classroom training shall be completed prior to attempting each range qualification. Training regarding use of deadly force and avoidance of deadly force shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

Review Training Outline

<i>Subject and Objective</i>	<i>Length of Time</i>
A. Laws and standards regarding use of deadly force. Objective: to familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.	1 hour
1. Penal Code sections	
2. Government Code sections	
3. Bureau statutes and regulations	
4. Instructor examples	
B. Avoidance of deadly force--The de-escalation of force. Objective: to familiarize and instruct individual on the role of the armed security guard, the role that deadly force may play and when and how to de-escalate the use of deadly force.	1 hour

(b) The permit holder shall complete a range qualification by firing fifty (50) rounds with a passing score:

(1) On two (2) separate occasions, at least four months apart, within each twelve-month period before the permit expires, and

(2) With at least one (1) of the range qualifications in each twelve-month period completed using live ammunition.

(3) Permit holders must complete each required range qualification for each caliber of firearm listed on the permit.

(4) Scoring: Silhouette targets as described in Section 635.1 shall be used. A 5 point score shall be granted for each round discharged inside of the seven (7) ring (center mass). Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment. Each individual shall be informed whether his or her score passes or fails.

Course of Fire

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6, 6 and 2)
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and 6) *6 strong hand unsupported (reload and switch hands)
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

(c) The application for the renewal of a firearms permit shall include the following proof and information:

(1) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed and passed each range qualification. Each Bureau-approved Firearms Training Instructor administering the range qualification must certify under penalty of perjury the method (live ammunition or firearm simulator) in which each range qualification was completed and provide a signed copy of the requalification documentation to the applicant.

(2) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed the review course prior to each range qualification.

(d) A Reserve Peace Officer is exempt from the firearms requalification requirements providing he/she submits documentation of firearms proficiency provided by the Law Enforcement entity with which he/she is associated, with their proof of renewal. This documentation must be submitted with the request for renewal of the firearms permit.

Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code. Reference: Sections 7542, 7583.32, 7596.7 and 7599.40, Business and Professions Code.



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COLLATERAL RECOVERY DISCIPLINARY REVIEW COMMITTEE REFERENCE AND PROCEDURES MANUAL

July 2023

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INTRODUCTION

History

The Collateral Recovery Disciplinary Review Committee (DRC) was established on July 1, 2017 (AB 281, Chapter 740, Statutes of 2015), for the purpose of considering appeals from repossession agency, qualified manager, and repossession agency employee applicants and licensees of the Bureau's denials, suspensions and revocations as well as the assessment of administrative fines. Each DRC consists of five members appointed by the Governor with three members actively engaged in the business as a licensed repossession agency and two members from the general public.

Bureau and Department of Consumer Affairs Mission and Core Values

The Bureau's 2017-2021 Strategic Plan identifies the Bureau's mission as: *To protect and serve the public and consumers through effective regulatory oversight of the professions within the Bureau's jurisdiction.*

The Bureau's Core Values are:

- **Accountability**
- **Consumer Protection**
- **Customer Service**
- **Effectiveness**
- **Integrity**
- **Professionalism**
- **Teamwork**
- **Equity**

Appointment of Committee Members

As a Governor appointee, DRC members are representatives of the Governor and their administration. A DRC member is expected at all times to conduct themselves in a respectful, impartial, professional and courteous manner when participating in any DRC meeting or activity. As a reminder, members serve at the pleasure of the Governor and a DRC appointment may be terminated at any time for misconduct, incompetence, or neglect of duty.

Member Per Diem

Pursuant to Business and Professions Code Sections 7581.1 and 103, a DRC member is paid a \$100 per diem for each day actually spent in the discharge of official duties. Accordingly, if a DRC appeal meeting is scheduled for one day, a DRC member will receive one day per diem to review the case files and one day per diem to attend the meeting. If a DRC appeal meeting is scheduled for two days, a member will receive two days per diem to review the case files and two days per diem to attend the meeting. In regard to other DRC-related training or activities, a DRC member will receive one day per diem for each day they are involved in a DRC training or activity. A DRC member is also entitled to reimbursement for travel and other necessary expenses related to attending a DRC-related meeting or activity.

Duties of Committee Members

The DRC provides an applicant or licensee an alternate process to appeal the Bureau's decision relating to denials, suspensions, revocations, and the Bureau's imposition of administrative fines for the security industries. Specifically, Business and Professions Code Section 7509.2 states:

- (a) The Collateral Recovery Disciplinary Review Committee shall perform the following functions:
 - (1) Affirm, rescind, or modify all decisions concerning administrative fines assessed by the director or bureau against repossession agencies or their employees that are appealed to the committee.
 - (2) Affirm, rescind, or modify all decisions concerning denial of licenses issued by the director or bureau, except denials or suspensions ordered by the director in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that are appealed to the committee.
- (b) The Collateral Recovery Disciplinary Review Committee may grant a probationary license, certificate, registration, or permit with respect to the appealed decisions described in subdivision (a).
- (c) This section shall become operative on July 1, 2017.

The second appeal process is a hearing before an Administrative Law Judge (ALJ) with the Office of Administrative Hearings. If the matter is appealed to a DRC and the respondent disagrees with the DRC decision, they have the option to appeal the DRC decision to an ALJ.

Committee Resignations

If a DRC member wishes to resign from the DRC, the member must provide a letter of resignation to the Governor's Office stating that they no longer wish to serve on the DRC. A copy of the letter of resignation must also be submitted to the Director of the Department of Consumer Affairs and the Bureau Chief.

PRE-MEETING DAY ACTIVITIES

Scheduling Meetings

DRC meetings must be scheduled every 60 days; however, the frequency may be more or less depending on the number of appeals received (Business and Professions Code section 7509.1). All meetings are subject to the requirements of the Bagley-Keene Opening Meeting Act and, accordingly, are publically noticed with an agenda of the scheduled appeals and other items to be considered during the meeting.

Upon receipt of a licensee's or applicant's (hereafter referred to as "respondent") appeal request, Bureau staff schedule the review for an upcoming meeting and mail the respondent information about the meeting and what to expect when attending the DRC meeting. Additionally, Bureau staff will post the meeting's notice on the BSIS public website in accordance with the **Bagley-Keene Open Meeting Act** (Attachment 2 and 3 on pages 19 and 21).

The number of appeals scheduled for a meeting is based on an average case review time of 20 minutes. Given this timeframe, committee members need to be focused and on point in

their actions and inquiries during an appeal. This requires each member to have reviewed the case documents in advance to be sufficiently knowledgeable of the history and circumstances. **NOTE:** Historically, not all respondents show up for their scheduled appeals. For this reason, having a case or two run slightly longer than 20 minutes, due to their complexity or other extenuating factors, should not create hardships relative to the overall meeting day.

Case Files to DRC Members

Approximately one week before a scheduled meeting, Bureau staff sends each DRC member the case files for each appeal to be heard during a meeting via the FedEx service requiring receipt signature. Each file contains the pertinent information the Bureau considered in reaching its decision on the applicant/licensee. Bureau staff will send each DRC member an email notifying them that the case files have been mailed and the date they were mailed. Given that the case files may contain information restricted by law or otherwise confidential, it is imperative that committee members handle the documents accordingly and immediately notify the Bureau if the files are misplaced or are not received from the delivery service. If a DRC member does not receive the case files package within 2-3 days of the notification of them having been mailed or if the case files could have been subject to any unauthorized access, **they must immediately notify the Bureau of this fact** by sending an email to the Bureau DRU manager and Bureau staff who oversees DRC activities.

It is the responsibility of each DRC member to promptly notify the Bureau's DRU manager and Bureau staff who oversees DRC activities immediately of any change of their mailing address.

If a committee member has a question regarding any scheduled appeal prior to the meeting, they should contact the DRU manager or the Bureau staff who oversees DRC activities.

Committee members must not discuss an appeal with external parties or another committee member before the meeting by any means or method. Prior communications could prejudice the appeal review and could result in the committee's decision being challenged or nullified. Under certain conditions, prior discussions also may be subject to the **Bagley-Keene Open Meeting Act** requirements and **Public Records Act** requests.

MEETING DAY PROCEDURES

All DRC meetings must be carried out in accordance with the **Bagley-Keene Open Meeting Act** (Attachments 2 and 3 on pages 19 and 21), the committee's **Rules of Order** (Attachment 4 on page 49), the **Committee Member Expectation Guidelines** (Attachment 5 on page 53) and the **Chairperson's Instructions** (Attachment 1 on page 15).

Meeting Date Expectations

The meetings generally begin at 9:00 a.m. with the length depending on the number of appeals scheduled to be heard. One or more Bureau staff members will be present at each scheduled meeting to answer questions DRC members may have with regard to Bureau laws, regulations, policies and procedures, and to facilitate the proceedings. Department representatives from the Executive Office or Legal Affairs Office may also attend the meetings. Lastly, the Bureau may arrange for law enforcement personnel to attend DRC meetings.

The meeting notice/agenda lists the respondents to be heard during the meeting. However,

reviews are heard in order of sign-in by respondents on the “Respondent Sign-In” sheet located in the designated waiting room. The committee may hear a case out of sign-in order due to hardship-related circumstances. The committee will consider these requests on a case-by-case basis. In addition, since the Bagley-Keene Act requires agenda items to be taken up in agenda order, at the beginning of each meeting a motion must be made and adopted by the committee to allow respondents to be heard in sign-in order. This motion must be carried out in accordance with the committee’s **Rules of Order** (Attachment 4, page 49).

Prior to the committee members calling the meeting to order, Bureau staff will check-in the respondents in the waiting room, review their photo identification to confirm identity, and answer any questions they and/or their representatives may have. Additionally, Bureau staff will advise respondents and their witnesses and/or representatives that weapons are not allowed in the meeting room or the waiting room.

Meal and Rest Periods

DRC members are not employees of the state and not subject to requirements relating to meal and rest periods. However, the Bureau staff who serve as the DRC facilitator and scribe are represented employees and may be granted a minimum 30-minute lunch break. Accordingly, rest and meal periods should be taken as needed and/or upon request of Bureau staff.

Commencing a Meeting – Quorum

DRC meeting proceedings are carried out in accordance with the committee’s **Rules of Order** (Attachment 4 on page 49). In accordance with the **Rules of Order**, a minimum of three DRC members are needed to establish a quorum of the committee. Bureau staff works closely with committee members to ensure attendance at each meeting is sufficient to establish a quorum. If for any unforeseeable reason a quorum is not established at the onset of a meeting, but is expected to be established within a short time (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal heard later when a quorum is established, or request the review to be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent’s appeal, in closed session, at a time deemed appropriate by the Chairperson. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the appeal. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals – respondent, their witness(es) or representative as well the committee members – are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

Threatening Behavior by Respondent/Representative/Member of the Public

If a respondent, their representative or witness, or a member of the audience becomes unruly or threatens any committee member, Bureau staff, or another meeting attendee, the Chairperson shall pause the meeting and address the situation. If appropriate, the meeting should be adjourned and committee members and Bureau staff leave the room. If present, law enforcement personnel assigned to monitor the meeting will take over the matter. If no law enforcement is present, law enforcement personnel may be summoned by calling 911.

APPEAL REVIEW PROCEDURES

Committee Introductions

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 15), at the beginning of each review, the Chairperson will introduce the committee members, advise that the members are appointees of the Governor, and briefly explain the responsibilities and purpose of the DRC.

Respondent's Witnesses/Representation

The respondent may present their appeal or be represented by an attorney or other person. If represented, the respondent is still responsible for presenting their appeal. A representative may not testify to facts or events about which they do not have direct knowledge.

The Chairperson will swear in the respondent and, if applicable, their witness(es) to tell the truth. **NOTE:** Representatives (e.g., legal counsel, an interpreter, or any individual providing only moral or technical support) are not witnesses and, therefore, are not to be sworn in.

Bureau's Presentation of Case Facts

The Chairperson will request Bureau staff to state the facts of the case by reading the Bureau's prepared statement for the appeal. The Bureau's statement for the appeal is provided to the committee as part of the background document and includes the respondent's deniable convictions, explanations of the code sections referenced, a brief explanation of the license type the respondent is applying for, and the circumstances the Bureau considered when evaluating rehabilitation.

In accordance with the **Chairperson's Instructions** (Attachment 1 on page 17), the Chairperson will ask the respondent if they have any objections to the official notice.

- If the respondent has no objections, the Chairperson will note that the committee takes official notice of the information presented and proceed with the review.
- If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections and the Chairperson shall note the objections for the record.
- If the respondent has objections to the crime being substantially related to the applicable license type, the committee must hear the objections, the Chairperson shall note the objection for the record, and the review should proceed.

- If the respondent has objections to the accuracy of the Bureau's findings relating to the issuance of a fine, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.
- If the respondent has objections relating to the statutory requirements for licensure or their experience relative to the statutory requirements, the committee must hear the objections, the Chairperson shall note the objections for the record, and the review should proceed.

NOTE: Preponderance of the evidence means "more likely than not" or "at least 50% plus any additional measure."

Respondent's Testimony

The review provides the respondent the opportunity to tell the committee their version of the relevant events of their conviction(s), the acts or circumstances relating to the Bureau's issuance of fine(s), or their experience as it relates to the statutory requirements for licensure. Below are some of the Chairperson responsibilities to facilitate this effort.

1. The Chairperson will ask the respondent for the reason(s) why they believe the decision of the Bureau should be modified or rescinded.
2. The Chairperson may advise the respondent or their witnesses when testimony is repetitive or unrelated to the case, and may guide and advise the respondent and/or representatives so testimony given will assist the committee in reaching a decision.
3. The Chairperson may discontinue a respondent's or their witnesses' testimony if it is irrelevant and relevant testimony does not appear to be forthcoming.
4. If Counsel or a representative for the respondent is present, the Chairperson should ask the Counsel/representative if they have anything to share. NOTE: There may be need to advise Counsel not to disrupt the review proceedings and to admonish Counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.
5. If it becomes apparent during a review that a respondent is having difficulty understanding the proceedings because they are not sufficiently fluent in English, the Chairperson should consider stopping the review and advising the respondent that Bureau staff will reschedule the review for a later meeting at which time the respondent is to bring an interpreter. Any cost associated with the services of an interpreter shall be the sole responsibility of the respondent. However, if the respondent elects to continue with the review, the Chairperson should allow the matter to proceed.
6. The Chairperson should not make any inquiries, or allow any committee member to make any inquiries, into inappropriate or irrelevant areas. Such inappropriate areas of inquiries include but are not limited to all protected statuses, receipt or not of governmental aid.

Purpose of Appeal Review

The purpose of the review is for committee members to obtain sufficient information on the appeal to make a determination on whether the Bureau's decision to deny or suspend licensure, the Bureau's decision to issue a fine or fines, or the Bureau's decision that the

respondent does not meet the experience qualifications as required by the Business and Professions Code should be affirmed, rescinded or modified. In making inquiries to obtain information, committee members should confine questions to those events and information on which the Bureau took its action and use good judgment to control the review length to ensure sufficient time for other respondents scheduled for the meeting.

It is not appropriate for a committee member to inquire on personal matters not related to the case, with the exception of those noted below relating to the respondent's rehabilitation efforts. If the respondent raises issues personal in nature, committee members must confine their responses, and subsequent inquiries should only be relevant to the events and information on which the Bureau took its action.

During all portions of the review, the committee shall accept any documents submitted by the respondent or the Bureau. The Chairperson must advise the respondent that documents submitted to the committee must be retained by the committee. (NOTE: The respondent is advised in their review notification letter that they may submit documents in support of their appeal, and that if the respondent submits the documents the day of the hearing they should be prepared to leave the documents with the committee. The documents must be retained by the committee, and provided to Bureau staff after the review, in the event the committee upholds the Bureau's decision and the respondent appeals his case to an administrative law judge.

The information below is provided to assist committee members in conducting the applicable review.

1. *Appeals of Denials Relating to Conviction(s)*: Committee members must obtain information from the respondent and their witnesses, if applicable, regarding the respondent's act(s) and/or behavior that led to the conviction(s), and the rehabilitation efforts the respondent has made since the conviction(s), which will be considered during their deliberations on the respondent's appeal. The committee is not to "retry" the case to determine if the respondent did or did not commit the act; this determination was made through the judicial process.

Committee members may make reasonable inquiries, including those personal in nature, relating to the respondent's rehabilitation if they are connected with the issues relating to the review. Appropriate questions include but are not limited to the activities the respondent has engaged in since the crime/act, the nature and level of responsibilities of such activities, lengths of employment, participation in appropriate rehabilitation programs (alcohol, drug abuse, child abuse), and changes in lifestyle which may have contributed to the crime/act.

When evaluating and making a determination as to whether or not the respondent has made a showing of rehabilitation, the committee should consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) The total criminal record.
- (7) The aggravating factors listed on the respondent's denial letter.

See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 57).

2. *Appeals Relating to Issuance of Fine(s)*: Committee members must obtain information from the respondent and/or their witnesses, if applicable, relating to the respondent's specific act(s) or omission(s) that the Bureau determined to be a violation of the Collateral Recovery Act and gave rise to the issuance of the fine(s), which will be considered during their deliberations on the respondent's appeal.
3. *Appeals of Denials for Failing to Meet Required Experience or Training*: Committee members must obtain information and evidence from the respondent and their witnesses, if applicable, regarding the respondent's experience or training, which will be considered during their deliberations on the respondent's appeal.

Disqualification from a Hearing

In accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 53), a committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality. Committee members must adhere to the specific steps outlined in the Guidelines when recusing themselves from a review. NOTE: Recusal requires the member to have no involvement with the process. While the hearing portion is open to the public, a recused committee member MUST leave the room during testimony to prevent accidental participation such as through body language. Further, a recused committee member shall NOT be in the hearing room during closed session.

If a committee member recusing themselves from the review results in the committee no longer having a quorum, the review shall be carried out in accordance with the section in this document entitled "Commencing a Meeting – Quorum."

DELIBERATIONS – CLOSED SESSIONS

Following the conclusion of all testimony, the Chairperson shall call the committee into closed session. Only committee members and Bureau staff responsible for taking closed session minutes are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision-making, but may answer meeting-related procedural questions and shall record the minutes of the closed session activities, as required by Section 11126.1 of the Government Code (Attachment 2 on Page 19).

Making a Decision on the Appeal

Committee members should weigh the reasonableness and relevance of the evidence provided by the Bureau, and the reasonableness and relevance of the evidence and testimony provided by the respondent and the respondent's witnesses, if applicable. Committee members should only consider the facts provided and not make assumptions regarding what may have or may have not transpired. The burden of proof standards are as follows:

1. Denial of Licensure – Lack of Qualifying Experience: The burden of proof rests with the applicant. The applicant must show by “preponderance of the evidence” that they satisfy the specified statutory experience, education and/or training requirements for licensure.
2. Denial of Licensure – Substantially-Related Conviction: The burden of proof rests with the applicant. The applicant must show by preponderance of the evidence that the conviction did not occur, the conviction is not substantially related to the duties of the license, or that they are rehabilitated and are fit for licensure.
3. Bureau Issuing a Citation/Fine: The burden of proof rests with the Bureau. By the “preponderance of the evidence” the Bureau must show that the licensee committed a violation of the Act.”

NOTE: Preponderance of the evidence means “more likely than not” or “at least 50% plus any additional measure.”

In rendering their decisions, committee members should also consider the Bureau’s and Department’s mission of protecting consumers and the public. Ultimately, each committee member is entrusted with making a decision of the respondent’s fitness for licensure, the respondent’s eligibility for licensure, or the appropriateness of the issuance of the fine(s) to the respondent. Fitness for licensure means that the respondent will be able to carry out the duties of the license in a manner that will likely not result in public or consumer harm.

Appeal of Denials Relating to a Criminal Convictions: The grounds for the committee rescinding the Bureau’s denial of licensure are based on the preponderance of the evidence substantiating that the respondent:

- Was not convicted of the crime(s);
- Was convicted of the crime(s), but the crime(s) and/or respondent’s act(s) leading to the conviction(s) are not substantially related; OR
- Was convicted of a substantially-related crime, but have proved rehabilitation to the extent that they demonstrate fitness for licensure.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau’s denial of the respondent’s application for licensure due to a criminal conviction.

1. *A Conviction was Not Sustained:* The committee should assess whether the respondent demonstrated, that no criminal conviction was sustained. If the evidence presented by the respondent does not satisfy this burden of proof, then the Bureau’s official notice of the occurrence of a crime or act shall stand. **Note:** If respondent demonstrates that the conviction(s) for which they’ve been denied a license have been set aside or dismissed pursuant to Penal Code section 1203.4 or any other provision of law, the committee may not presume that a conviction occurred.
2. *The Crime or Act is Substantially Related to the Duties of the License:* If a crime is associated to a significant extent with the qualifications, functions and duties of the license it is considered to be substantially related. Generally, a conviction or the act(s) leading to the conviction must be substantially related for the respondent to be denied licensure. The grounds for making a substantially related determination include the committee member’s knowledge and understanding of the responsibilities and qualifications of the licensee.

3. *Nature and Severity of a Substantially-Related Crime:* By law, a felony is a more severe crime than a misdemeanor. However, felonies often are pled down to misdemeanors and, therefore, committee members should not consider the classification of the crime as the sole indicator of the severity of a crime or act. Committee members also should consider the nature and severity of the respondent's act(s) or behavior that led to the conviction including the resulting harm and/or damage to person, property or public.
4. *Rehabilitation:* For the purpose of making a decision of fitness for licensure, rehabilitation involves the extent that a respondent demonstrates the likelihood not to reoffend and that protection of the public would be maintained despite a prior conviction.

Appeals Relating to Issuance of Fine(s): The grounds for the committee rescinding the Bureau's issuance of a fine is based on the preponderance of the evidence demonstrating that the respondent did not violate the specified provision of the Collateral Recovery Act. The grounds for the committee modifying a fine the Bureau issued is based on the preponderance of the evidence substantiating that a violation of the Collateral Recovery Act occurred, the authorizing section of law providing discretionary authority on the fine amount, and the committee's determination as to appropriate fine amount. **NOTE:** The committee does not have the statutory authority to modify fines set in statute.

The following information is provided to assist committee members in deciding whether to affirm, rescind or modify the Bureau's issuance of a fine.

The Legislature established requirements for maintenance of the license and standards of conduct for licensees in the Collateral Recovery Act to help support public safety and consumer protection. As a means to promote licensees' compliance, the Legislature authorized the Bureau to issue fines for violations of these requirements and standards. Many fine amounts are established in law and the Bureau only needs to establish that the violation occurred. Other fines have a maximum amount that may be imposed, and the Bureau must establish that a violation occurred and determine a fine amount commensurate with the act(s) or omission(s) committed by the licensee.

Committee members should keep in mind that they are not determining whether the respondent's act or omission is acceptable or unacceptable. The Legislature determined the conduct and acts as unacceptable by identifying them as a violation of the Collateral Recovery Act, and authorizing the Bureau to issue a fine to promote compliance.

Some respondents may state that they were not aware of the requirement(s) or standard(s). This type of testimony does not establish a defense. The licensee or the licensee's qualified manager is responsible for being knowledgeable of the requirements in the Collateral Recovery Act, and ignorance of the law and its requirements is not a defense.

1. *Violation of the Act Occurred:* The Notice of Citation the Bureau issued to the licensee details the applicable code section(s), a brief description of the statutory requirement(s) and the Bureau's findings relating to the respondent's act(s) or omission(s) that gave rise to the violation(s). When possible, the Bureau will have an Enforcement Representative present at the hearing to present the facts of the case and answer any technical questions the committee may have. Committee members are to assess the reasonableness and relevance of the evidence (Notice of Citation, Investigation Report, and testimony) provided by the Bureau and the testimony and evidence provided by the respondent and the respondent's witnesses, if applicable, in guiding their determinations.
2. *Modifying the Fine Amount:* If the committee determines that a violation of the Act occurred and the violation is associated with an up-to-maximum fine amount, committee members should consider what amount of fine would be commensurate with the

respondent's act(s) and behavior as well as the effect the fine would have in deterring the respondent from committing a future violation of the Collateral Recovery Act. **NOTE: The Committee may not modify a fine amount set in statute nor may the Committee increase a fine assessed by the Bureau.**

Appeals of Denials for Failing to Meet Required Experience or Training: The grounds for the committee rescinding the Bureau's denial of licensure is based on the preponderance of the evidence (applicant's statements, supporting documents and declarant's attestations) demonstrating that the respondent satisfies the requirements for the license.

The following information is provided to assist committee members in deciding whether to affirm or rescind the Bureau's determination that the respondent does not meet the requirements for licensure.

The Legislature established minimum standards for obtaining a license regulated by the Collateral Recovery Act. See ***Minimum Requirements for Licenses Regulated by the Collateral Recovery Act*** (Attachment 7, page 57) for a list of the licenses and their related minimum requirements. Committee members must determine if the respondent has demonstrated that they've complied with the requirements. In making this determination, committee members must keep in mind that the minimum requirements for licensure set by statute may NOT be waived, lessened or modified. The committee solely must consider whether the respondent, by preponderance of the evidence, demonstrates that they've satisfied the minimum requirements.

Committee Motions

All committee motions and votes shall be carried out in accordance with the Committee's **Rules of Order** (Attachment 4 on page 49). A decision is reached on a given motion by a majority of voting members. In the case of a tie, the decision reverts to the Bureau's decision to deny, suspend or fine the respondent. See **Criteria for Evaluating Rehabilitation** (Attachment 6 on page 55) for additional factors to consider when reaching decisions.

The committee may make the following motions on the Bureau's initial action to deny an applicant; suspend a license, registration, or certificate; or issue an administrative citation to a license, registrant, and certificate holder:

- Affirm (uphold)
- Rescind (overturn); or
- Modify

NOTE: The committee may not take an action that includes a penalty more severe than the Bureau's action (e.g., increasing the amount of an administrative fine). Furthermore, in some instances (e.g., fines set by statute), the committee may NOT modify the penalty.

Preparing the Decision

Bureau staff will provide the Chairperson with the Decision and Order document, which is addressed to the respondent, to complete with the committee's decision and the basis for the decision. The Chairperson, or the Vice Chairperson in the absence of the Chairperson, or the Acting Chairperson in the absence of the Chairperson and the Vice Chairperson must sign the document. The Bureau will mail the document to the respondent along with a cover letter outlining the procedures for the respondent to appeal to an administrative law judge if respondent disagrees with the DRC's decision. DRC committee decisions are final if the respondent fails to request an administrative hearing within 30 days from the date the

Decision is mailed to the respondent. Please note, the signed decision of the DRC is subject to public disclosure under the California Public Records Act.

Discussion of Cases

Committee members must remember that while a primary purpose of the DRC is to provide respondents a more timely decision than that afforded through the administrative hearing process, the respondent has the right to appeal the DRC's decision to an administrative law judge. To maintain the integrity of any subsequent hearings, committee members shall not discuss the nature of the appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to any case heard by the committee, they MUST immediately notify the DRU Manager and the Bureau staff who oversee the DRC activities.

NON-REVIEW AGENDA ITEMS

Other Items on Agenda

The Chairperson must verbally recognize all items on the Agenda posted online with the public Notice of the meeting and ensure that, if applicable, the public has an opportunity to directly provide comment to the committee during the discussion of each item prior to any action taken. Any motions made shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 49)

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out in accordance with "Meeting Motions." (Attachment 4, page 49)
2. The adjournment and time will be announced by the Chairperson and recorded for the *Meeting Minutes*.

COLLATERAL RECOVERY DISCIPLINARY REVIEW COMMITTEE CHAIRPERSON'S INSTRUCTIONS

OPENING THE MEETING INSTRUCTIONS:

- Establish a quorum of Committee
- Approve past Disciplinary Review Committee meeting minutes and address all other items on the Agenda listed before Review items
- Request motion to hear respondents in sign-in order instead of Agenda order

REVIEW INSTRUCTIONS

INTRODUCTION

Chairperson introduces all committee members.

Chairperson reads:

" My name is [name], [Chair/Vice-Chair] of the Collateral Recovery Disciplinary Review Committee. This Disciplinary Review Committee is appointed by the Governor of the State of California to hear appeals of decisions made by the Bureau of Security and Investigative Services regarding denials and administrative fine assessments. The committee may affirm, rescind or modify the Bureau's decision based on the information in the Bureau's file and your testimony today.

We will now begin the review of the Bureau's decision to:

- **deny** the (type of license/registration/certificate) of (name of respondent).
- **impose an administrative fine** against (name of respondent)."

RESPONDENT'S COUNSEL/WITNESS

Ask respondent if they are represented by counsel or are being assisted by a representative. If yes, ask the respondent to introduce them for the record.

Ask respondent if they have any witnesses. If yes, ask the respondent to identify the person by name, and relationship to the respondent for the record. Chairperson should ask if the witness is participating as a character reference or as a witness to the events.

OATH TO RESPONDENT AND, IF APPLICABLE, WITNESS(ES).

Chairperson reads:

"I will now be reading you the oath. Do you swear to tell the truth, the whole truth and nothing but the truth?"

RESPONDENT'S NAME AND ADDRESS

Chairperson reads:

"Please state the following information for the record: Your full name, current address, and name of your current employer (if any)."

BUREAU PRESENTS CASE FACTS

Chairperson reads:

"A Bureau representative will now read the facts of this case."

After the Bureau representative reads the facts, **Chairperson reads:**

"Please note that the information read by Bureau staff is listed on your [denial/citation] letter as the reasons for your [denial/citation]. Before moving on to your testimony, please advise the committee if you have any objections to the information read."

If the respondent has no objection, the Chairperson shall state for the record:

"Having heard no objection, the committee takes official notice of the Bureau's case facts. We will continue with the review."

If the respondent has objections to the accuracy of the conviction information, the committee must hear the objections.

The Chairperson shall state for the record:

"The committee notes, for the record, the respondent's objections. We will now proceed with the review."

RESPONDENT'S TESTIMONY

The Chairperson reads:

"Now is your opportunity to address the committee regarding your appeal and provide your verbal testimony. Please begin."

IF THERE'S A WITNESS

After the Respondent's testimony, the Chairperson may call any witness for their testimony. The Chairperson should remind the witness that they are under oath.

IF THERE'S COUNSEL/REPRESENTATIVE

If counsel or a representative for the respondent is present, the Chairperson should ask the counsel/representative if they have anything to share. NOTE: There may be need to advise counsel not to disrupt the review proceedings and to admonish counsel of the informal, non-adversarial nature of the review. Counsel should not interrupt the Committee nor prevent the Committee from carrying out its duties.

COMMITTEE MEMBER'S QUESTIONS

For the purposes of the hearing, the chairperson can individually ask each committee member if they have questions one at a time. Once the committee member is finished asking their questions, the chairperson should move to the next member.

CONCLUSION OF TESTIMONY/CLOSED SESSION

Upon determination that all committee members have asked all of their questions and the respondent has had the opportunity share their testimony, the Chairperson shall ask the respondent if they have anything else to share.

The Chairperson shall state for the record:

"Prior to the Disciplinary Review Committee ending this review, if you have anything else you want to add or expand on, please do so now."

Upon conclusion of the respondent's additional information, the Chairperson shall close the record of the matter by stating:

"The record in the review of the <denial, citation> against <respondent's name> is now closed.

After the Chairperson closes the record, the Chairperson shall inquire for public comment:

"The Disciplinary Review Committee is now open for public comment."

After public comment ends, the Chairperson will close the review:

"The Disciplinary Review Committee is now going into closed session to deliberate on your case. You will be notified by mail of the Committee's decision within 30 days. Please do not call the Bureau for the results of your review before this time. Thank you for appearing for your review".

RETURNING TO OPEN SESSION

Upon reconvening back into open session, the Chairperson should state for the record:

"The Committee is back in open session. For the record, the Committee made a decision on [respondent's name's] appeal. The review is now concluded".

COLLATERAL RECOVERY DISCIPLINARY REVIEW COMMITTEE BAGLEY-KEENE OPEN MEETING ACT – KEY PROVISIONS

(Note: GC = Government Code Section)

All Disciplinary Review Committee (DRC) meetings must be carried out in accordance with the provisions of the Bagley-Keene Open Meeting Act (Act). It should be noted that the Act's provisions also apply when three or more DRC members are in communication by telephone or email. This means that these communications would be subject to the Act's noticing and minute-taking requirements, as well as public records act requests.

1. DRC meetings are open to the public except during periods when a meeting is in "closed session" as identified on a meeting agenda. *(GC 11123)*
2. All DRC meetings must be publically noticed. The Notice and Agenda must be posted on the BSIS website at least 10 calendar days in advance of the scheduled meeting and include a brief description of each specific item to be discussed. *(GC 11125)*
3. No item will be added to a meeting's Agenda after the meeting has been noticed. *(GC 11125)*
4. DRC members must permit public comment on an Agenda item after discussion of the item by DRC members and before going to closed session, **unless**: *(GC 11125.7)*
 - a. The public was provided an opportunity to comment at a previous meeting and the item has not substantially changed since the last meeting.
 - b. The subject matter is appropriate for closed session.
5. The open sessions of DRC meetings are audio recorded by BSIS staff. The recordings are retained for at least 30 days from the date of the meeting. *(GC 11124.1(b))*
6. The public has the right to record DRC proceedings with an audio or video recording device **unless** doing so creates undue noise or other persistent disruption to the meeting. *(GC 11124.1)*
7. A BSIS staff member must be present during all closed sessions during the meeting to record minutes of the topics discussed and decisions made. *(GC 11126.1)*
8. During a DRC meeting, an emergency closed session is not allowed. *(GC 11126.3)*
9. The Meeting Agenda will include an item entitled "Agenda Items for Future DRC Meetings" to provide DRC members and the public the opportunity to request a specific item for a future meeting. Issues raised under this Agenda item should be discussed only to the extent necessary to determine whether they should be included as an Agenda item for a future meeting.

**GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT**
(Includes Amendments through January 1, 2017)

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BAGLEY-KEEN OPEN MEETING ACT

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**GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2017)**

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2017. Please disregard all previous Guides to the Bagley-Keene Open Meeting Act (distributed prior to January 15, 2017) on this subject.

All statutory references are to the Government Code.

I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give timely and sufficient public notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

Section 11121 defines the "state body" that is subject to the Bagley Keene Act.

Unless specifically excluded by statute, a "state body" is defined as a state board, commission or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order; or a

board, commission committee or similar multimember body that exercises any authority, delegated to it by that state body; or an advisory commission, an advisory board, advisory committee, advisory subcommittee or similar multimember advisory body of a state body, if created by formal action of the state body or any member of the state body, and if the advisory body so created, consists of three or more persons. Effective April 1, 2016, the definition of "state body" was amended to include the State Bar of California, as described in Section 6001 of the Business and Professions Code. Notwithstanding subdivision (a) of section 11121.1, amended effective April 1, 2016, the State Bar is subject to the Bagley-Keene Open Meeting Act and the California Public Records Act. (§ 11121(e))

II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

A. Definition of a "Meeting"

"Meeting" is defined in the Act as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b) (1)).

B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** "a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body." (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))

- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official of a state agency from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency's subject matter jurisdiction – with the limitation that the person cannot communicate to members of the legislative body, the comments or position of any other member of the legislative body. (§11122.5(b)(2))

C. Board and Committee Meetings

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not exercise any authority of a state body delegated to it by that state body. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

[Restriction on Attendance at Committee Meetings] The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members of the board who are not members of this committee may be attending the meeting only as observers."

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of "state body" in Section 11121(c)."

III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a "special" meeting, or an "emergency" meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

A. Regularly Scheduled Meetings

1. Who May Hold a Regularly Scheduled Meeting

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

2. Purposes for Which the Meeting May be Held

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board's licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.

3. Notice Requirements for a Regularly Scheduled Meeting

a. Board Meetings

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice."

(§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. (§11125(f)) We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting _____ at (916) _____ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc., without specifying the particular matters thereunder, lack sufficient specificity to meet the standards of the Open Meeting Act and cannot be used to circumvent the notice requirement of a specific agenda. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate under the circumstances.

* * *

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be acted on or discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

It must be reiterated that no action may be taken on any such item and discussion is limited to that which is necessary to make the determination as to whether the item will be added to a future board agenda.

While neither the California Victim Compensation Board nor the Government Claims Board are within the Department of Consumer Affairs, any hearing conducted by either of these boards, pursuant to Section 13963.1 and neither representative requests the hearing be open to the public, the notice, agenda, announcement or report need not identify the applicant. (§11125.8)

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so choose.

b. Committee, Subcommittee or Task Force Meetings

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. Effective January 1, 2015, an agency is authorized to provide that notice by regular mail, email or both. However, that same section requires an agency to give a person requesting notice the option of receiving the notice by regular mail, email or both and the agency must comply with that requester's choice for receiving notice of meetings. (Business and Professions Code section 101.7) You may elect to send such notice to those persons on your regular mailing list.

Remember, you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board, and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

4. Specific Requirements for Regularly-Scheduled Meetings

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

B. "Special" Meetings

SB 95 of 1997 created a new category of meeting, identified as a "special" meeting.

1. Who May Hold a Special Meeting

A board, committee, subcommittee or task force may hold a special meeting.

2. Purposes for Which a Special Meeting May be Held

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

* * *

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

3. Notice Requirements for a Special Meeting

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 "would impose a substantial hardship on the state body or where immediate action is required to protect the public interest." (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency's meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing

notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business other than that noticed may be transacted. Notice is required even if no action is subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

4. Specific Requirements During Special Meetings

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

5. Specific Prohibitions on Holding a Special Meeting

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

C. "Emergency" Meetings

1. Who May Hold an Emergency Meeting

A board, committee, subcommittee or task force may hold an emergency meeting.

2. Purposes for Which an Emergency Meeting May be Held

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

"(1) Work stoppage or other activity that severely impairs public health or safety, or both.

"(2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

3. Notice Requirements for an Emergency Meeting

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

4. Specific Requirements for an Emergency Meeting

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- * Minutes of the meeting
- * A list of persons notified, or attempted to be notified, of the meeting
- * Any action taken at the meeting
- * A copy of the rollcall vote on action taken (§11125.5(d))

5. Specific Prohibitions on Holding an Emergency Meeting

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

IV. CLOSED SESSIONS

A. Purposes for Which Closed Session Can be Held

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes:

1. Personnel Matters

A board may meet in closed session to "... consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing ... which notice shall be delivered to the employee personally or by mail at least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

2. Examination Matters

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

3. Matters Affecting Individual Privacy

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

4. Administrative Disciplinary Matters

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act. (§11400, *et seq.*; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

5. Board of Accountancy Matters

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

6. Pending Litigation

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

7. Response to Confidential Final Draft Audit Report

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

8. Threat of Criminal or Terrorist Activity

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

9. Advisory Bodies/Committees May Meet in Closed Session

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126((f), (4)-(6))

10. Open Session Otherwise Required

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

B. Notice and Reporting Requirements for Closed Sessions

1. Notice of Closed Session

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

"Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above,

also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

"A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

V. MEETING BY TELECONFERENCING

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

Effective January 1, 2015, subdivision (c) was added to Government Code section 11123 to require that any action taken and the vote or abstention on that action of each member present for the action be publicly reported by the state body. (Stats. 2014, Chapt.510; AB 2720)

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting. (§11123(b)(2))

VI. DELIBERATIONS AND VOTING

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly. (§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

A. Seriatim Calls to Individual Agency Members Prohibited

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (*Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the *Stockton Newspapers, Inc.* case, the court in *Sutter Bay Associates v. County of Sutter* held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4th 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members "to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency." (Emphasis added.) (§11122.5(b))

B. E-Mail Prohibition

Section 11122.5 was amended by Stats. 2009, c. 150 (A.B. 1494) to provide:

(b)(1) A majority of the members of the state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state

agency, if that person does not communicate to members of the legislative body the comments or position or any other member or members of the legislative body.

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.

Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

C. Secret Ballot Prohibited

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

D. Voting by Proxy Prohibited

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

E. Use of Electronic Devices During Meeting

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

"You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format."

F. Voting by Mail on Administrative Disciplinary Matters

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

G. Recording and Reporting Votes

Beginning January 1, 2015, for each item on which a vote is taken, the minutes must contain a record of how each member voted on that action item. (For example, Yes – Members A, B, & C; No – Members D & E; Abstain – Member F.)

VII. MISCELLANEOUS PROVISIONS

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

A. Conforming Board Member's Conduct

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

B. Providing Open Meeting Act to New Board Members

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

C. Prohibition on Placing Conditions on Public's Attendance

1. Sign-in

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

2. Discrimination in Admittance to Meeting Facility

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

3. Access for the Disabled

All meetings must be accessible to the disabled. (§11131)

4. Charging a Fee or Requiring a Purchase for Access

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

D. Agency Recording of the Proceedings

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

E. Public's Right to Record the Proceedings

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute a persistent disruption of the proceedings. (§11124.1(a))

F. Media Broadcast of the Proceedings

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

G. Webcasting

Whether or not webcasting is required, if your meeting is webcast, it is our recommendation that you place the following statement on your agenda:

"While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources."

H. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that "All times indicated and the order of business are approximate and subject to change," to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that "Items scheduled for a particular day may be moved to an earlier day to facilitate the board's business." Again, the purpose may not be to frustrate public or other input.

I. Opportunity for Public Comment at Meetings

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency's discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

Section 11125.7 was amended, effective June 27, 2016 to provide an equal time provision when the state body limits the time for public comment, by requiring the state body to provide at least twice the allotted time to a member of the public who uses a translator. This amendment is to ensure that non-English speakers receive an equal opportunity to address the state body when simultaneous translation equipment is not used. (Stats of 2016 chapt. 31 SB 836)

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

VIII. DISCLOSURE OF DOCUMENTS

A. Documents Distributed Prior to the Meeting

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

B. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

C. Charging a Fee for Public Documents

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

IX. PENALTIES

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open

Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor." (Emphasis added.)

COLLATERAL RECOVERY DISCIPLINARY REVIEW COMMITTEE RULES OF ORDER

All committee meetings will be conducted according to the Collateral Recovery Disciplinary Review Committee Rules of Order (Rules of Order). These rules are meant to be used as tools to help make orderly, collective decisions in a cooperative, respectful way. Committee members should be familiar with these Rules of Order and conduct themselves accordingly.

Committee Chairperson Selection

Committee members shall select a Chairperson to preside over the meetings for a one-year term. However, there is no restriction on the number of terms a Chairperson may serve and committee members may change the selection of a Chairperson at any given time by noticing the event on a meeting agenda and by a majority vote of the committee. The committee should also establish a Vice Chairperson in case the Chairperson is absent or must disqualify themselves from any item before the committee. The selection of both the Chairperson and Vice Chairperson shall be conducted by an official vote of the committee and the motion and vote shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

If neither the Chairperson nor Vice Chairperson is present, an Acting Chairperson will be selected by an official vote of the members present with the motion and vote carried out in accordance with the "Meeting Motions" section of these Rules of Order. However, the committee may not proceed as a formal committee if it does not have a quorum (see Item 2 under Opening the Committee Meeting Section).

It should be noted that the Chairperson, Vice Chairperson, or Acting Chairperson has no more authority than any other DRC member regarding participation in the decision of an appeal. The Chairperson, Vice Chairperson or Acting Chairperson is responsible for conducting the meeting in accordance with these Rules of Order, maintaining order during the meeting, and assuring that all persons before the committee are treated impartially and courteously.

Meeting Motions

When a motion is made, the committee members who made and seconded the motion, and the official committee vote on the motion are to be recorded for the Meeting Minutes. A decision is reached by a majority vote of the committee. In the case of a tie vote on a motion relating to a respondent's appeal, the Bureau's decision to deny, suspend or fine the respondent stands.

Opening the Committee Meeting

1. The Chairperson shall conduct a roll call of the members present to establish a quorum. Each committee member must verbally acknowledge their presence for the Meeting Minutes.
2. Upon establishment of a quorum, the Chairperson must note the official time the meeting is called to order and the time is recorded for the Meeting Minutes.

If a quorum is not established, but is expected to be established within a short time from the commencement of the meeting (e.g., a member is running late due to traffic, but is expected to arrive within an hour or less) the committee may meet ONLY as an informal committee. However, the informal committee shall not take official action on any issue or agenda item.

During the time of an informal committee, the respondent has the option of presenting their appeal to the committee members in attendance, having their appeal review heard later when the quorum is established, or request the review be changed to a future date. If a respondent opts to present their appeal to an informal committee, when a quorum is established the committee can render a decision on the respondent's appeal review, in closed session, at a time deemed appropriate by the committee chair. However, a member who was not present during the appeal may NOT participate in the deliberations unless they have heard the recording of the proceedings prior to the deliberation of the case. It is imperative that the device used to record the committee proceedings is operating properly and that all individuals -- respondent and their witness(es) or representative as well the committee members -- are speaking in a sufficient volume to ensure the audibility of the proceedings.

If a quorum is not anticipated to be established within an hour less of a meeting commencement or a quorum is lost during a meeting, due to a member or members having to leave due to an emergency, and a quorum is not expected to be re-established within an hour, the meeting is to be discontinued and all scheduled respondents awaiting a review advised of this fact and that Bureau staff will contact them to reschedule their review.

3. The Chairperson shall note for the record that the meeting will be conducted in the order of the Agenda of the meeting's Public Notice. A motion must be made to modify the Agenda item listing the respondents scheduled to appear before the committee to hear their appeals in accordance with the respondents' sign-in sheet. The motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.
4. A motion should be made to adopt the Minutes from the previous DRC meeting and the motion shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

Review of a Respondent's Appeal

1. While respondents are to be heard in sign-in order, a motion can be made to hear a respondent out of order for hardship situations only upon motion and vote of the Committee. Any motion made shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order.

2. At the beginning of each review, the Chairperson must read, for the record, the respondent's name and corresponding item number from the meeting's Agenda even if the respondent is being heard out of Agenda order or providing written testimony.
3. A committee member must immediately recuse themselves as soon as they become aware of factors that could affect their impartiality or could be perceived as affecting their impartiality in accordance with Item 6 of the **Committee Member Expectation Guidelines** (Attachment 5 on page 53).
4. Chairperson shall use the *Disciplinary Review Committee Chairperson's Instructions* (Attachment 1 of the Collateral Recovery Disciplinary Review Committee Reference and Procedures Manual) to carry out the review.
5. Chairperson will ensure that all committee members present are afforded the opportunity to ask questions or provide comments on any item on the meeting's Agenda.
6. Upon conclusion of each respondent's appeal review, the Chairperson will state for the record that the meeting is going into Closed Session.

Closed Session Deliberations

1. Only committee members and permitted Bureau staff are allowed in the committee room during closed sessions. Permitted Bureau staff includes the individual responsible for taking closed session minutes and Department legal staff assigned to the Bureau or legal counsel from the Office of the Attorney General. Permitted Bureau staff, however, shall not take part in the deliberation or decision making, but may answer procedural questions and shall record the minutes of the closed session as required by Section 11126.1 of the Government Code.
2. Closed Session Minutes are confidential. Members cannot discuss closed session items in open session or in public, even with other members.
3. The motion to affirm, rescind, or modify the Bureau's initial decision shall be carried out in accordance with the "Meeting Motions" section of these Rules of Order. The Committee shall render a decision on every appeal noted on the Agenda, including those involving respondents who did not appear. Exception: Respondents who opted not to present their case due to lack of a quorum.

NOTE: The committee cannot issue a decision that includes a penalty more severe than the Bureau action under review such as increasing the amount of a fine. Further, when a fine amount is set by law (e.g., \$100.00 for the first violation) the committee cannot issue a decision that alters the fine amount.

Other Agenda Items

The Chairperson must establish for the record all respondents who did not attend the meeting by reading their name and corresponding item number from the meeting's Agenda and stating "no show."

The Chairperson must verbally recognize all remaining items on the Agenda on the Public Notice. Any motions made shall be carried out in accordance with "Meeting Motions" section of these Rules of Order.

Adjourning Meeting

1. The motion to adjourn the meeting shall be carried out during open session and in accordance with the “Meeting Motions” section of these Rules of Order.
2. The adjournment and time will be announced by the Chairperson and recorded for the Meeting Minutes.

Committee Member Expectation Guidelines

1. Review the cases prior to the hearings so you are familiar with the issues and prepared to make inquiries as needed.
2. Arrive at least 15 minutes before the meeting start time to allow for time to take care of any pending issues.
3. Speak audibly and clearly during the meeting to enable everyone in the room to hear and understand you.
4. During a respondent's review, be courteous, respectful, and provide your full attention to the person speaking whether it is the respondent, his or her attorney or witness(es), or another committee member.
 - Do not make inquiries or comments about a respondent's clothes or appearance UNLESS it is directly related to the issue(s) of the appeal.
 - Do not make inquiries or comments about a respondent's ability to speak/comprehend English unless it relates to determining the respondent's ability to comprehend procedural activities.
 - Do not question the education of a respondent UNLESS it is directly related to the issue(s) of the appeal.
 - Do not ask the respondent questions personal in nature unless it relates to rehabilitation (see guidelines for rehabilitation in the DRC manual).
 - Do not make inquiries into matters unrelated to the direct facts or issues of the case.
 - Do not make inquiries that relate to protected statuses. For example, "what is your religion or ethnic background?" or "are you a U.S. citizen?"
 - Do not indicate either through words or demeanor that you and/or the committee may have already reached a decision or may be predisposed to a certain decision.
 - Do not use cell phones (including texting), laptops or any other telecommunication device that could give the impression that you are not providing your full attention to the appeal. **REMEMBER:** A person is more likely to accept the committee's decision if they believe that they were heard, and treated impartially and respectfully.
5. Do not discuss an appeal case with another committee member before the review. Prior communication(s) could prejudice the review and could result in the committee's decision being challenged or nullified. Further, under certain circumstances, prior discussions could be subject to **Bagley-Keene Open Meeting Act** and **Public Records Act** (Act) requests. Violations of the Act may be a criminal offense. If you have a question regarding an appeal case, contact the DRU Manager or Bureau employee who staffs the committee.
6. You must recuse yourself from a review as soon as you become aware of factors that could affect your impartiality or could be perceived as affecting your impartiality. These factors may include but are not limited to a prior or current work-related or personal relationship with the applicant or licensee. If you recuse yourself, do **NOT** make any statements to the other committee members regarding the respondent or issues relating

to the appeal. You are only to state, for the record, that you are recusing yourself from the review due to a conflict. The member's name and the act of recusal shall be recorded in the Meeting Minutes. Once you recuse yourself from a review, you MUST leave the room during testimony to prevent accidental participation such as through body language. Further, you are NOT permitted to be in the room during closed session.

NOTE: If you determine that you will need to recuse yourself from a review prior to the day of the hearing, immediately contact the DRU manager and Bureau staff who oversees DRC activities. This information is important to identify a potential lack of quorum for the case.

7. Committee members should respect the Chairperson's right to control the process of the meeting. Only one matter will be before the committee at any time and no other discussion is in order.
8. Remember, your comments and/or actions could impact any future proceedings on the appeal. For this reason, you are not to discuss the nature of appeal cases, whether related to open or closed session discussions or decisions, outside the review session. If a committee member is subpoenaed relative to an administrative or court proceeding for any case heard by the committee, they MUST immediately notify the DRU Manager and Bureau staff who oversee the DRC activities.

Criteria for Evaluating Rehabilitation

The following information is provided to assist members with decisions relating to rehabilitation.

CALIFORNIA CODE OF REGULATIONS, TITLE 16, Division 7, Section 602.1

When considering the denial, suspension, revocation or reinstatement of a license for which application has been made under Chapter 8.5, 11, 11.3, 11.4, 11.5 or 11.6 of the Code on the ground that the applicant, licensee, or petitioner has been convicted of a crime, the bureau shall consider whether the applicant, licensee, or petitioner made a showing of rehabilitation if the applicant, licensee, or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the bureau shall consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant, licensee, or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

If the applicant, licensee, or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, the bureau determines that the applicant, licensee, or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial, suspension, revocation, or reinstatement is based on professional misconduct, or the denial, suspension, revocation, or reinstatement is based on one or more of the grounds specified in Sections 6980.45, 6980.47, 6980.71, 6980.73, 6980.74, 7503.5, 7504.1, 7505.3, 7506.8, 7506.14, 7507, 7510.1, 7538, 7538.5, 7561.1, 7561.3, 7561.4, 7564.1, 7574.15, 7574.31, 7582.19, 7582.23, 7582.24, 7582.25, 7583.15, 7583.16, 7583.21, 7583.42, 7587.1, 7587.3, 7587.4, 7591.8, 7591.10, 7598.12, 7599.32, and 7599.61 of the Code, the bureau shall apply the following criteria in evaluating an applicant, licensee, or petitioner's rehabilitation:

- (1) The nature and severity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) If applicable, evidence of proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) The criteria in subdivision (a)(1) through (5).
- (8) The total criminal record.

Penal Code Section 1203.4

If an individual has fulfilled the conditions of probation, they may petition the court and be granted an Order of Dismissal under Penal Code Section 1203.4. This section allows a plea of guilty or nolo contendere to be put aside and a plea of not guilty to be entered.

Business and Professions Code Section 480(c) provides, as follows: "Notwithstanding any other provisions of the code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal."

Minimum Requirements for Licenses Regulated by the Collateral Recovery Act

Repossession Agency Employee Registration (BPC Sections 7506.3)

1. 18 years of age

Repossession Agency Qualified Manager (BPC Section 7504)

1. 18 years of age
2. At least two years (4000 hours) of lawful experience, during the five years preceding the date on which the application was filed as a repossession agency employee registrant or at least two years (4,000 hours) of lawful experience in recovering collateral within this state.
3. Pass the required examination

Repossession Agency License (BPC Sections 7503.2, 7503.3 and 7503.4)

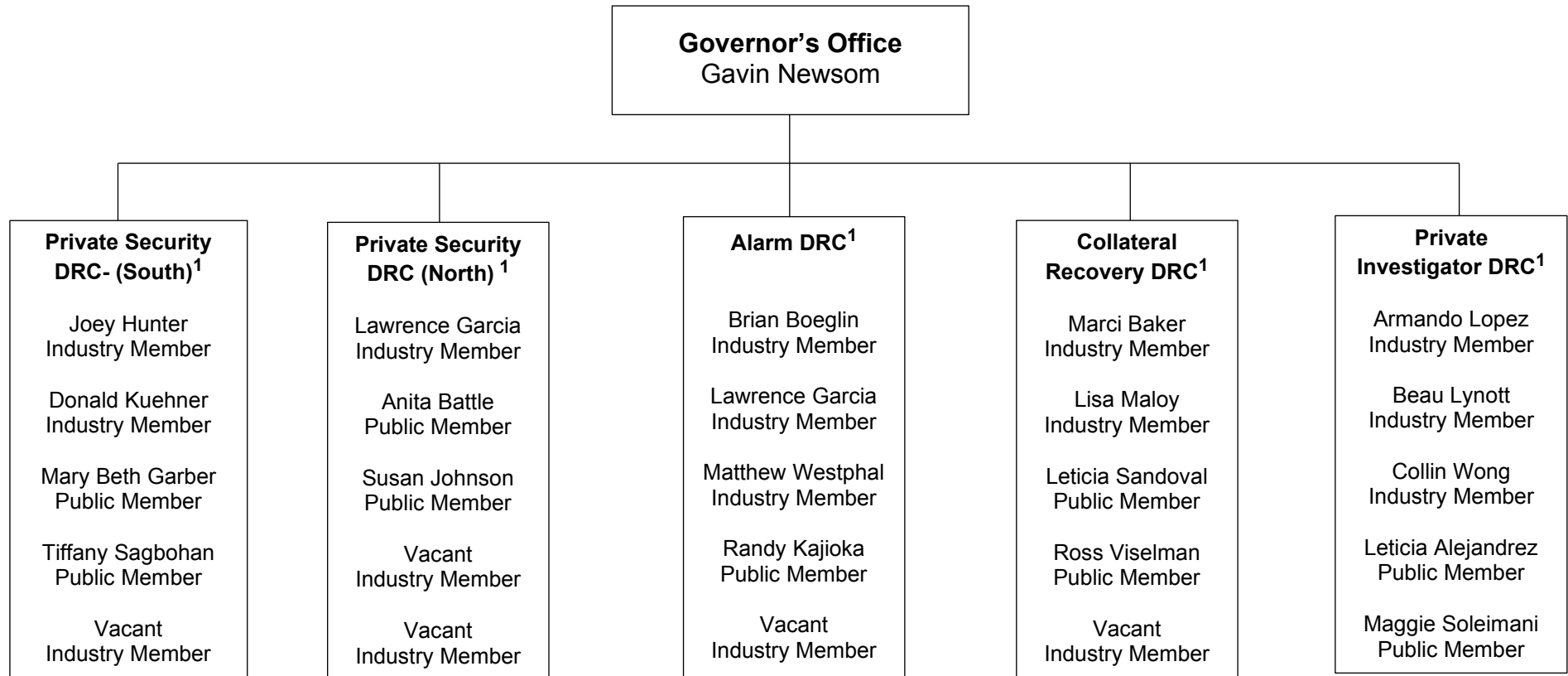
1. Business organized as a sole owner, partnership, corporation. Repossession Agency licensee cannot be organized as an LLC.
2. License must be associated with a Repossession Agency Qualified Manager Certificate Holder (can be the applicant or another individual).

ATTACHMENT B

CURRENT ORGANIZATIONAL CHART SHOWING RELATIONSHIP OF COMMITTEES TO THE BUREAU AND MEMBERSHIP OF EACH COMMITTEE

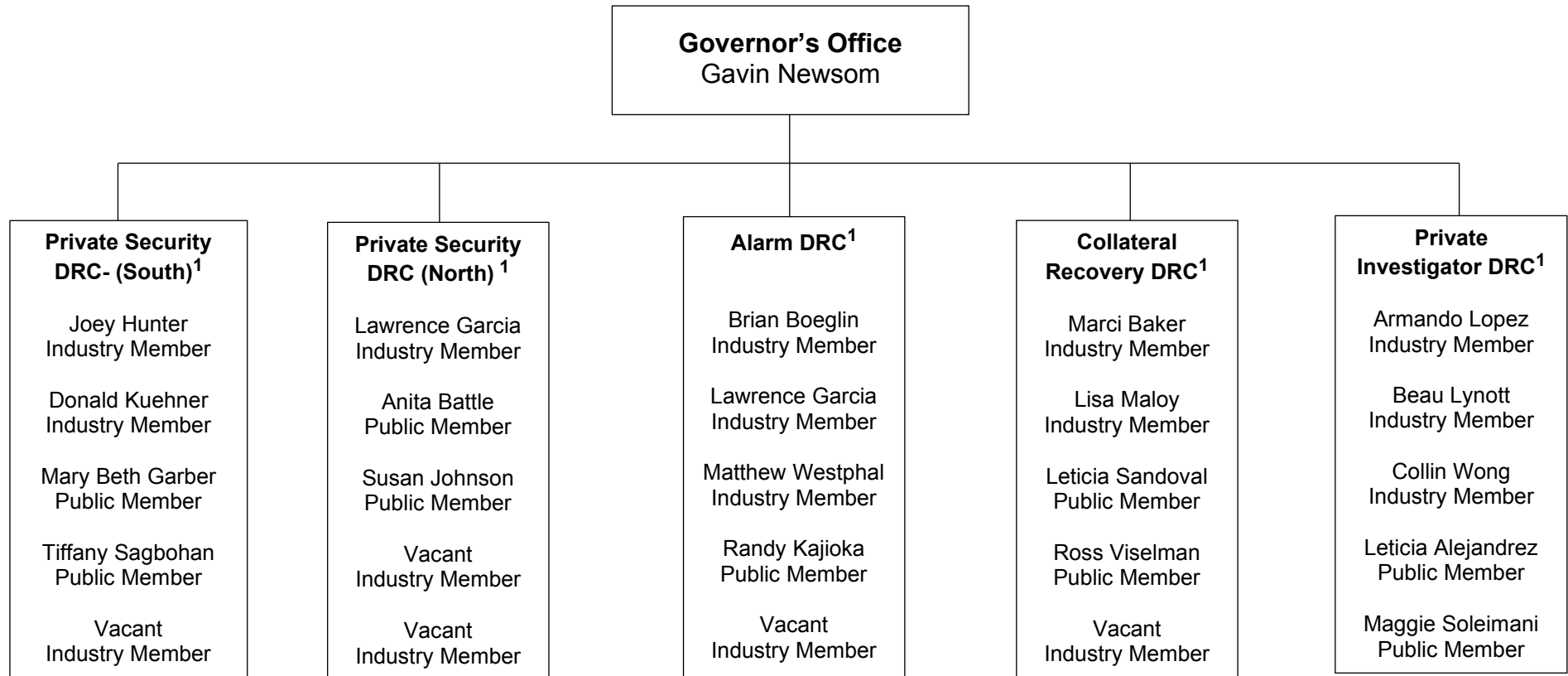


Attachment B: Organizational Chart – Disciplinary Review Committees (as of August 31, 2023)



- 1) The Disciplinary Review Committee (DRC) members are appointed by the Governor. DRCs are autonomous of the Bureau and the Department of Consumers Affairs. However, the members' per diem and travel expenses to participate in DRC meetings are paid by the Bureau.

Attachment B-5: Organizational Chart – Disciplinary Review Committees (as of August 31, 2023)



- 1) The Disciplinary Review Committee (DRC) members are appointed by the Governor. DRCs are autonomous of the Bureau and the Department of Consumers Affairs. However, the members' per diem and travel expenses to participate in DRC meetings are paid by the Bureau.

ATTACHMENT C

MAJOR STUDIES





OCCUPATIONAL ANALYSIS OF THE ALARM COMPANY OPERATOR QUALIFIED MANAGER PROFESSION



BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

OCCUPATIONAL ANALYSIS OF THE ALARM COMPANY OPERATOR
QUALIFIED MANAGER PROFESSION



May 2023



OFFICE OF PROFESSIONAL EXAMINATION SERVICES

Brian Knox, M.A., Research Data Analyst II
Karen Okicich, M.A., Research Data Supervisor II
Heidi Lincer, Ph.D., Chief

This occupational analysis report is mandated by California Business and Professions Code (BPC) § 139 and by DCA Licensure Examination Validation Policy OPES 22-01.

EXECUTIVE SUMMARY

The Bureau of Security and Investigative Services (Bureau) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) of the Alarm Company Operator Qualified Manager (ACO-QM) profession in California. The purpose of the OA is to define practice in terms of critical tasks that ACO-QMs must be able to perform competently at the time of licensure. The results of this OA provide a description of practice for the ACO-QM profession and provide the basis for developing a valid and legally defensible California Alarm Company Operator Licensing Examination.

OPES test specialists began by researching the profession and conducting telephone interviews with licensed ACO-QMs working throughout California. The purpose of these interviews was to identify the tasks performed by ACO-QMs and to determine the knowledge required to perform those tasks in a safe and competent manner. Using the information gathered from the research and the interviews, OPES test specialists developed a preliminary list of tasks performed by ACO-QMs in their profession, along with statements representing the knowledge needed to perform those tasks.

In October 2022, OPES test specialists convened a workshop to review and refine the preliminary lists of tasks and knowledge statements describing ACO-QM practice in California. ACO-QMs participated in the workshops as subject matter experts (SMEs). The SMEs were from diverse backgrounds in the profession (e.g., work setting, geographic location of practice, years licensed). SMEs also linked each task with the knowledge required to perform that task and reviewed demographic questions to be used on the OA questionnaire.

After the workshop, OPES test specialists developed a three-part OA questionnaire to be completed by ACO-QMs statewide. Development of the OA questionnaire included a pilot study that was conducted with a group of ACO-QMs who participated in either the interviews or the October 2022 workshop. The pilot study participants' feedback was incorporated into the final questionnaire, which was administered from November 14, 2022–December 28, 2022.

In the first part of the OA questionnaire, ACO-QMs were asked to provide demographic information related to their practice and work settings. In the second part, ACO-QMs were asked to rate how often they perform each task in their current practice (Frequency) and how important the task is to effective performance of their current practice (Importance). In the third part, ACO-QMs were asked to rate how important each knowledge statement is to effective performance of their current practice (Importance).

In November 2023, on behalf of the Bureau, OPES sent an email to a sample of 776 licensed ACO-QMs, inviting them to complete the online OA questionnaire. The email invitation was sent to ACO-QMs for whom the Bureau had an email address on file.

A total of 152 ACO-QMs, or approximately 19.6% of the ACO-QMs who received an email invitation, responded to the OA questionnaire. The final number of respondents included in the data analysis was 144 (18.6%). This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and working as an ACO-QM in California. Second, OPES excluded questionnaires containing a large portion of incomplete responses.

OPES test specialists then performed data analyses on the task and knowledge ratings obtained from the questionnaire respondents. The task importance and frequency ratings were combined to derive an overall criticality index for each task statement. The mean of importance ratings was used as the criticality index for each knowledge statement.

Once the data were analyzed, OPES test specialists conducted an additional workshop with ACO-QMs in January 2023. The SMEs evaluated the criticality indices and determined whether any tasks or knowledge statements should be eliminated. The SMEs in this group also established the final linkage between tasks and knowledge statements, reviewed the tasks and knowledge statement content areas, and defined those content areas. The SMEs then evaluated the preliminary content area weights and determined the final weights for the new California Alarm Company Operator Licensing Examination outline.

The examination outline is structured into 3 content areas weighted relative to the other content areas. The new outline identifies the tasks and knowledge

critical to competent ACO-QM practice in California at the time of license issuance.

The examination outline developed as a result of this OA provides a basis for developing the California Alarm Company Operator Licensing Examination.

OVERVIEW OF THE CALIFORNIA ALARM COMPANY OPERATOR LICENSING EXAMINATION OUTLINE

Content Areas and Subareas	Content Area Description	Area Weight	Subarea Weight
1. Managing Business Operations	This area assesses the candidate's knowledge of managing alarm company business operations and personnel.	30%	
1A: Business Practices			15%
1B: Employer Obligations			15%
2. Managing Alarm Installations	This area assesses the candidate's knowledge of planning and installing alarm systems. This area also assesses the candidate's knowledge of repairing malfunctioning alarm systems and preventing false alarms.	55%	
2A: Project Consultation and Plan			10%
2B: Alarm System Installation			25%
2C: Alarm System Repair and False Alarm Prevention			20%
3. Alarm System Monitoring and Response	This area assesses the candidate's knowledge of monitoring and responding to alarm systems.	15%	
TOTAL		100%	

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CHAPTER 1 | INTRODUCTION

PURPOSE OF THE OCCUPATIONAL ANALYSIS

The Bureau of Security and Investigative Services (Bureau) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) as part of the Bureau's comprehensive review of the Alarm Company Operator Qualified Manager (ACO-QM) profession in California. The purpose of the OA is to identify critical activities performed by ACO-QMs in California. The results of this OA provide a description of practice for the ACO-QM profession and provide a basis for constructing a valid and legally defensible California Alarm Company Operator Licensing Examination.

PARTICIPATION OF SUBJECT MATTER EXPERTS

California ACO-QMs participated as subject matter experts (SMEs) during the OA to ensure that the description of practice directly reflects current ACO-QM practice in California. These SMEs represented the profession in terms of work settings, geographic location of practice, and years of experience. The SMEs provided technical expertise and information regarding different aspects of practice through interviews and workshops. During interviews, the SMEs provided information about the tasks involved in practice and the knowledge required to perform those tasks safely and competently. During workshops, the SMEs developed and reviewed the tasks and knowledge statements describing ACO-QM practice, organized the tasks and knowledge statements into content areas, evaluated the results of the OA, and developed the examination outline.

ADHERENCE TO LEGAL STANDARDS AND GUIDELINES

Licensure, certification, and registration programs in the State of California adhere strictly to federal and state laws and regulations, as well as to professional guidelines and technical standards. For the purposes of OAs, the following laws and guidelines are authoritative:

- California Business and Professions Code (BPC) § 139.

- 29 Code of Federal Regulations Part 1607 – Uniform Guidelines on Employee Selection Procedures (1978).
- California Fair Employment and Housing Act, Government Code § 12944.
- *Principles for the Validation and Use of Personnel Selection Procedures* (2018), Society for Industrial and Organizational Psychology (SIOP).
- *Standards for Educational and Psychological Testing* (2014), American Educational Research Association, American Psychological Association, and National Council on Measurement in Education.

For a licensure program to meet these standards, it must be solidly based upon the job activities required for practice.

DESCRIPTION OF OCCUPATION

The ACO occupation is described as follows in BPC § 7590.2:

An "alarm company operator" means any person who, for any consideration whatsoever, engages in business or accepts employment to install, maintain, alter, sell on premises, monitor, or service alarm systems or who responds to alarm systems except for any alarm agent. "Alarm company operator," includes any entity that is retained by a licensed alarm company operator, a customer, or any other person or entity, to monitor one or more alarm systems, whether or not the entity performs any other duties within the definition of an alarm company operator. The provisions of this chapter, to the extent that they can be made applicable, shall be applicable to the duties and functions performed in monitoring alarm systems.

A person licensed as an alarm company operator may not conduct any investigation or investigations except those that are incidental to personal injury, or the theft, loss, embezzlement, misappropriation, or concealment of any property, or any other thing enumerated in this section, which he or she has been hired or engaged to protect.

CHAPTER 2 | OCCUPATIONAL ANALYSIS QUESTIONNAIRE

SUBJECT MATTER EXPERT INTERVIEWS

The Bureau provided OPES with a list of ACO-QMs to contact for telephone interviews. During the semi-structured interviews, 7 ACO-QMs were asked to identify the major content areas of practice and the tasks performed in each area. They were also asked to identify the knowledge necessary to perform each task safely and competently.

TASKS AND KNOWLEDGE STATEMENTS

To develop a preliminary list of tasks and knowledge statements, OPES test specialists integrated the information gathered from literature reviews of profession-related sources (e.g., previous OA reports, articles, industry publications, and laws and regulations) and from interviews with SMEs.

In October 2022, OPES test specialists facilitated a workshop to review and refine the tasks and knowledge statements. Thirteen SMEs from diverse backgrounds (e.g., work setting, geographic location of practice, and years licensed) participated in the workshop. During the workshop, the SMEs evaluated the tasks and knowledge statements for technical accuracy, level of specificity, and comprehensiveness. In addition, the SMEs evaluated the organization of tasks within content areas to ensure that the content areas were independent and non-overlapping.

During the workshop, the SMEs also performed a linkage between the tasks and knowledge statements. The linkage was performed to identify the knowledge required for performance of each task and to verify that each statement of knowledge is important for safe and competent practice as an ACO-QM. Additionally, the linkage ensured that all tasks were linked to at least one knowledge statement and that each knowledge statement was linked to at least one task.

During this workshop, the SMEs also reviewed proposed demographic questions and evaluated the scales that would be used for rating tasks and knowledge statements in an online OA questionnaire to be sent to ACO-QMs statewide.

OPES used the final lists of tasks and knowledge statements, demographic questions, and rating scales to develop the online OA questionnaire.

QUESTIONNAIRE DEVELOPMENT

OPES test specialists developed the online OA questionnaire designed to solicit ratings by ACO-QMs of the tasks and knowledge statements. The surveyed ACO-QMs were instructed to rate how often they perform each task in their current practice (Frequency) and how important each task is to the effective performance of their current practice (Importance). In addition, they were instructed to rate how important each item of knowledge is to the effective performance of their current practice (Importance). The OA questionnaire also included a demographic section to obtain relevant professional background information about responding ACO-QMs. The OA questionnaire is Appendix E.

PILOT STUDY

Before administering the final questionnaire, OPES conducted a pilot study of the online questionnaire. The draft questionnaire was reviewed by the Bureau and then sent to 8 SMEs who had participated in either the interviews or workshops. OPES received feedback on the pilot study from 3 respondents. The SMEs reviewed the tasks and knowledge statements in the questionnaire for technical accuracy and for whether they reflected ACO-QM practice. The SMEs also provided the estimated time for completion of the questionnaire, as well as information about online navigation and ease of use. OPES test specialists used this feedback to refine the final questionnaire, which was administered from November 11, 2022–December 31, 2022.

CHAPTER 3 | RESPONSE RATE AND DEMOGRAPHICS

SAMPLING STRATEGY AND RESPONSE RATE

In November 2022, on behalf of the Bureau, OPES sent an email to a sample of 776 ACO-QMs licensed in California for whom the Bureau had an email address on file, inviting them to complete the online OA questionnaire. The email invitation is Appendix D.

A total of 152 ACO-QMs, or approximately 19.6% of the ACO-QMs who received the email invitation, responded to the OA questionnaire. The final number of respondents included in the data analyses was 144 (18.6%). This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and working as an ACO-QM in California. Second, OPES excluded data from questionnaires with a large portion of incomplete responses. The final respondent sample appears to represent the California ACO-QM profession based on the sample's demographic composition.

DEMOGRAPHIC SUMMARY

As shown in Table 1 and Figure 1, the responding ACO-QMs reported a range of years of experience. Of the respondents, 36.11% reported they had worked as an ACO-QM for more than 20 years, 23.61% reported working as an ACO-QM for 6–10 years, 21.53% reported having worked as an ACO-QM for 11–20 years, and 18.75% reported they had worked as an ACO-QM for 5 years or less. When asked to indicate their employment status related to their ACO-QM license, 74.83% indicated they were both an owner and qualified manager, while 19.58% indicated they were strictly a qualified manager (Table 2 and Figure 2).

Table 3 and Figure 3 show that 40.14% of respondents reported that they work more than 40 hours per week as an ACO-QM, while 23.94% reported that they work 31–40 hours per week, 18.31% reported they work less than 10 hours per week, 9.15% reported that they work 21–30 hours, and 8.45% reported they work 11–20 hours per week.

When asked about their highest level of education, 36.17% of respondents reported a high school diploma or equivalent, 26.24% reported an associate degree, 22.70% reported a bachelor's degree. Less than 5% of respondents reported they held a master's degree or higher (Table 4 and Figure 4).

When asked about additional California licenses or certifications held, the largest proportion of respondents (45.52%) reported that they held an Electrical Contractor C-10 license, whereas 42.54% reported that they held a Low Voltage Systems Contractor C-7 license. Additional information about other licenses and certifications held can be found in Table 5 and Figure 5.

Respondents were also asked about the majority of their responsibilities in the businesses in which they work. Table 6 and Figure 6 show a breakdown of the responses. Most respondents reported that the majority of their responsibilities were as an owner (72.22%), or manager (66.67%), while 42.36% described their primary responsibility as sales; 27.78% described their primary responsibility as an employee; and 20.83% described their primary responsibility as a subcontractor.

Respondents were then asked about the type of services they offer as an ACO. The majority of respondents reported they provide alarm installation (92.91%) and service (85.11%). Of the respondents, 70.92% reported they also provide monitoring, and 43.26% reported they provide subcontracting services. A full list of responses is shown in Table 7 and Figure 7.

Respondents were also asked about the structure and setup of the alarm company business. Only 21.13% of respondents indicated having business branch offices (Table 8 and Figure 8), and approximately 7.75% indicated they operate a central monitoring station (Table 9 and Figure 9).

Tables 10 and Figure 10 show that 9.79% of respondents provide physical response to alarms. Approximately 5.59% of respondents reported they have employees who carry firearms while performing alarm agent duties (Table 11 and Figure 11), and approximately 4.90% of respondents reported they have employees who carry non-lethal weapons in the course of their duties (Table 12 and Figure 12).

When asked about specialty areas offered by the alarm company, a majority of respondents reported providing closed circuit TV (83.09%) and access control

(73.88%). An additional 72.39% of respondents reported providing low voltage and 62.69% reported that they provide networking. A full list of responses is shown in Table 13 and Figure 13.

Table 14 shows that most respondents reported that their primary work setting is in an urban area (87.32%). Table 15 shows the location of respondents' primary practice by geographical region. Additional demographic information from respondents can be found in Tables 1–15 and Figures 1–14.

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TABLE 1 – YEARS LICENSED*

YEARS	NUMBER (N)	PERCENT
0–5 years	27	18.75%
6–10 years	34	23.61%
11–20 years	31	21.53%
More than 20 years	52	36.11%
Total	144	100%

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 1 – YEARS LICENSED

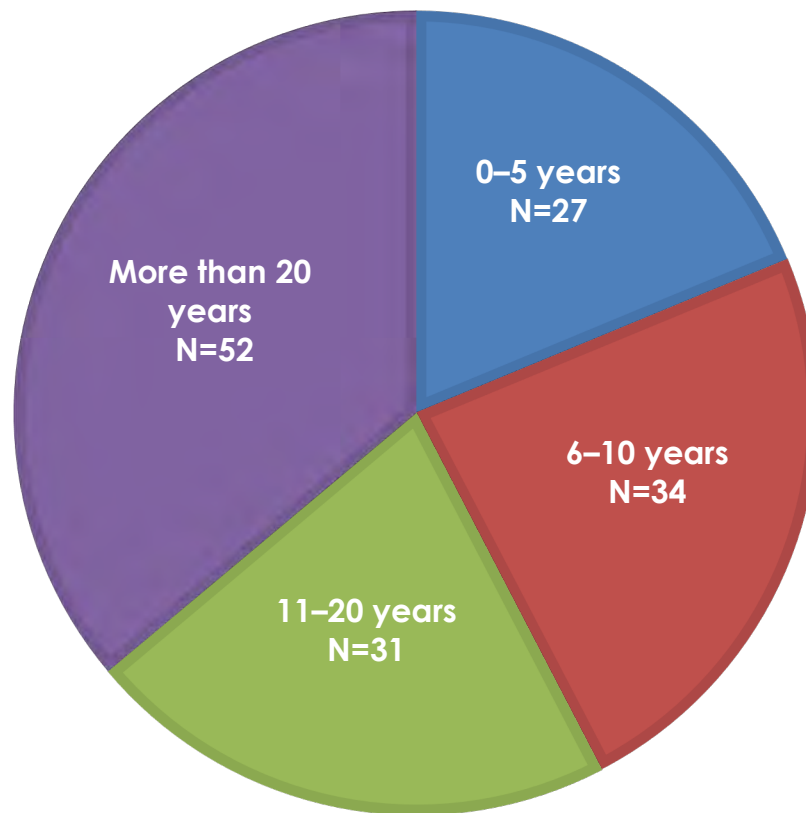


TABLE 2 – CURRENT EMPLOYMENT STATUS

DEGREES	NUMBER (N)	PERCENT
Owner/Qualified Manager	107	74.83%
Qualified Manager	28	19.58%
Non-designated Qualified Manager	3	2.10%
Other (please specify)	5	3.50%
Total	143	100%

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 2 – CURRENT EMPLOYMENT STATUS

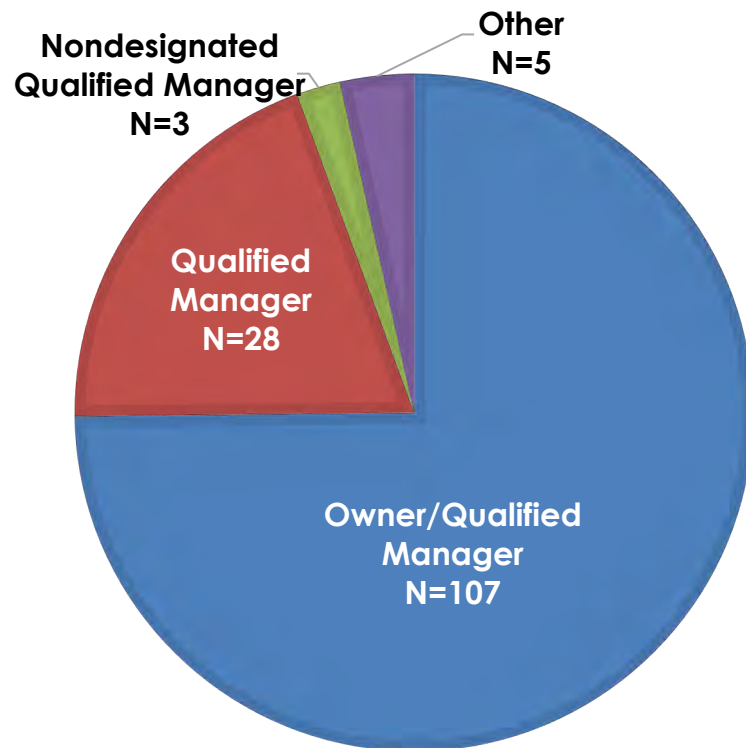


TABLE 3 – HOURS WORKED PER WEEK

HOURS	NUMBER (N)	PERCENT
1 to 10 hours	26	18.31%
11 to 20 hours	12	8.45%
21 to 30 hours	13	9.15%
31 to 40 hours	34	23.94%
More than 40 hours	57	40.14%
Total	142	100%*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 3 – HOURS WORKED PER WEEK

TABLE 4 – HIGHEST LEVEL OF EDUCATION ACHIEVED

TYPE	NUMBER (N)	PERCENT
High school diploma or equivalent	51	36.17%
Associate Degree	37	26.24%
Bachelor's Degree	32	22.70%
Master's Degree	7	4.96%
Doctorate	1	0.71%
Other (please specify)	13	9.22%
Total	141	100%

FIGURE 4 – HIGHEST LEVEL OF EDUCATION ACHIEVED

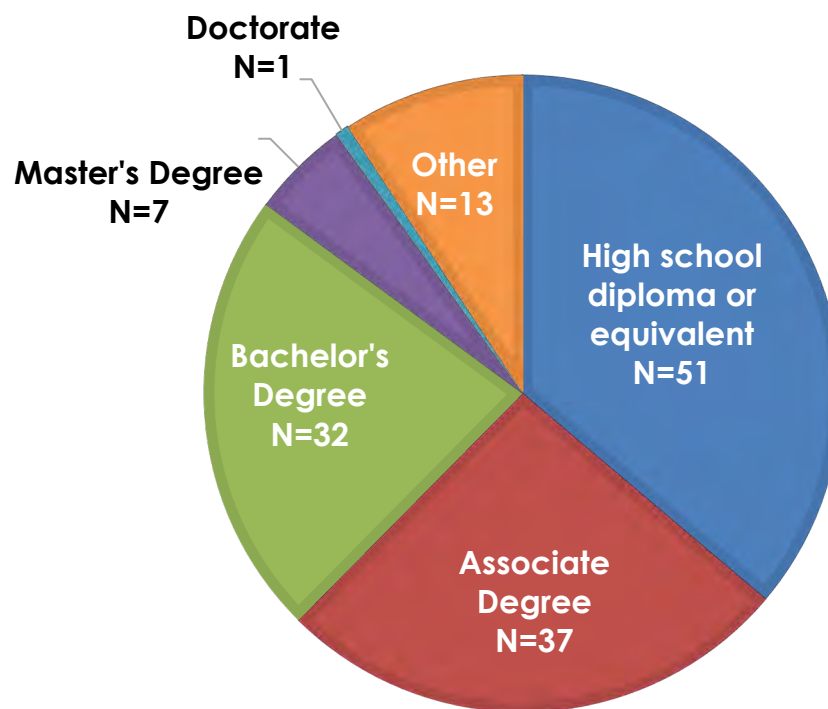


TABLE 5 – OTHER CALIFORNIA LICENSES OR CERTIFICATIONS HELD*

TYPE	NUMBER (N)	PERCENT**
None	22	16.42%
Repossessor	0	0.00%
Locksmith	7	5.22%
Private Patrol Operator	4	2.99%
Private Investigator	0	0.00%
Firearms permit	11	8.21%
Bail Agent	0	0.00%
Electrical Contractor (C-10)	61	45.52%
Low Voltage Systems Contractor (C-7)	57	42.54%
Lock and Security Equipment Contractor (C-28)	5	3.73%
Fire Protection Contractor (C-16)	7	5.22%
Other (please specify)	21	15.67%

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 5 – OTHER CALIFORNIA LICENSES OR CERTIFICATIONS HELD

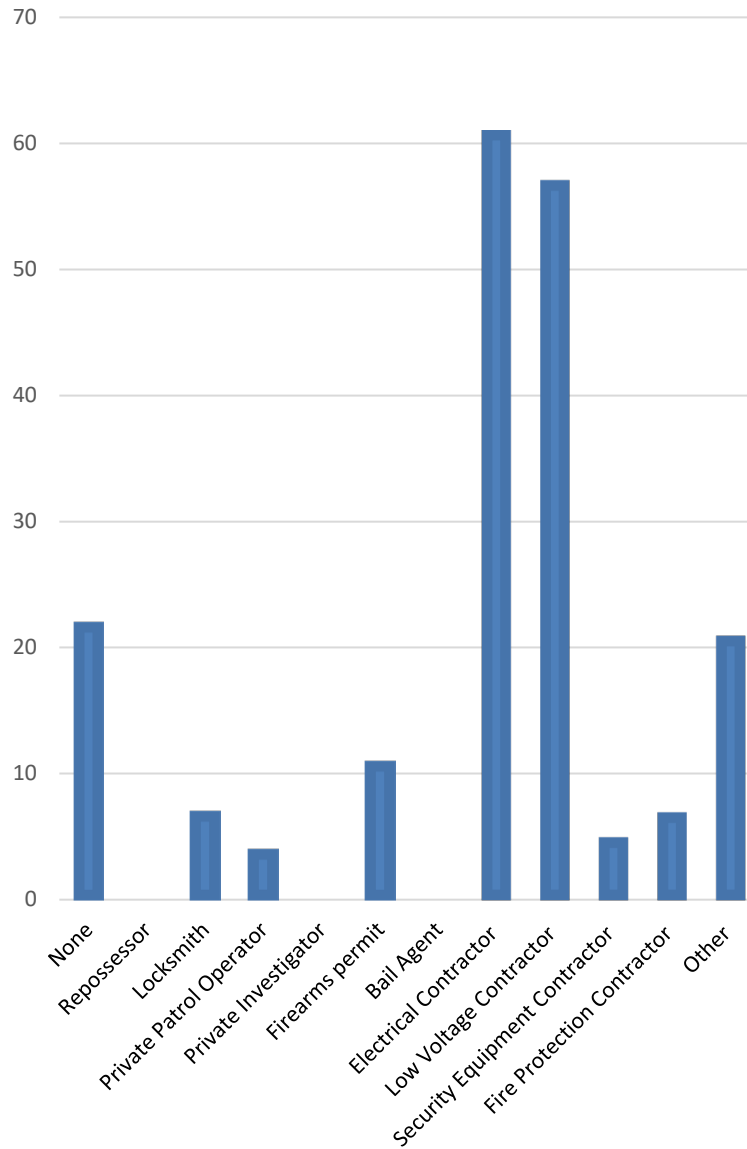


TABLE 6 – MAJORITY OF RESPONSIBILITIES AS AN ACO-QM*

SERVICES	NUMBER (N)	PERCENT**
Owner	104	72.22%
Manager	96	66.67%
Employee	40	27.78%
Sales	61	42.36%
Subcontractor	30	20.83%
Other (please specify)	3	2.08%

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 6 – MAJORITY OF RESPONSIBILITIES AS AN ACO-QM

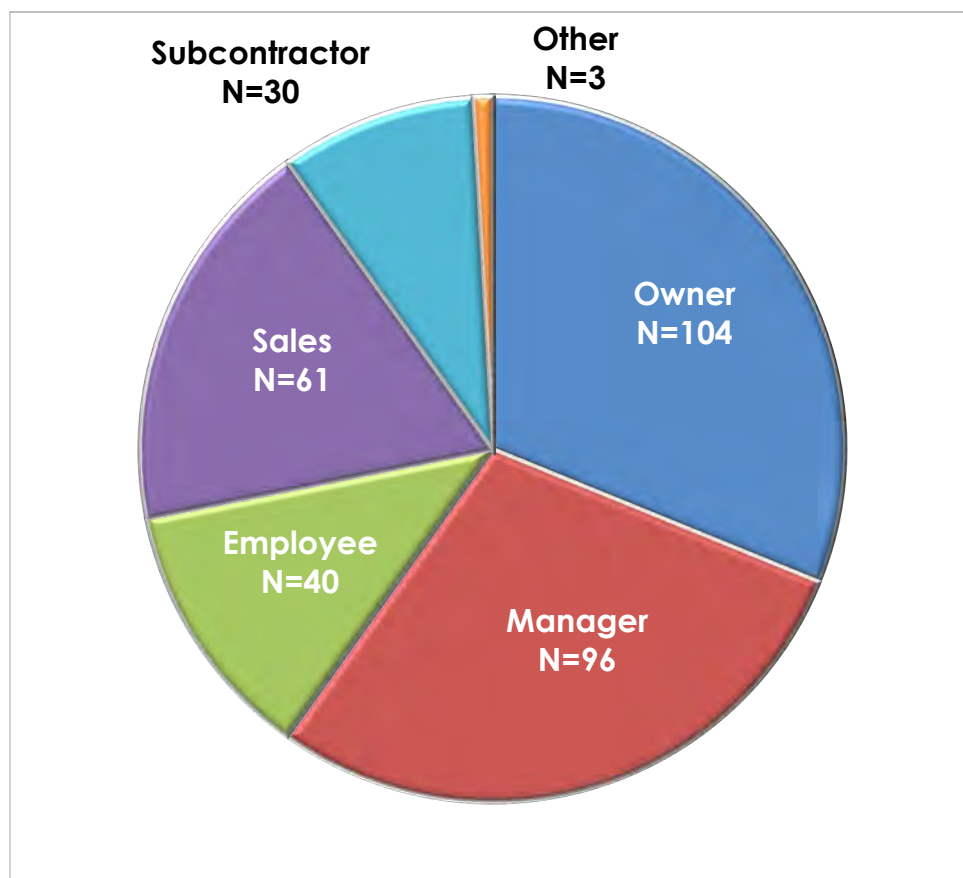


TABLE 7 – ACO SERVICES PROVIDED*

EMPLOYEES	NUMBER (N)	PERCENT**
Alarm installation	131	92.91%
Monitoring	100	70.92%
Service	120	85.11%
Subcontractor	61	43.26%
BSIS compliance	40	28.37%
Other (please specify)	7	4.96%

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 7 – ACO SERVICES PROVIDED

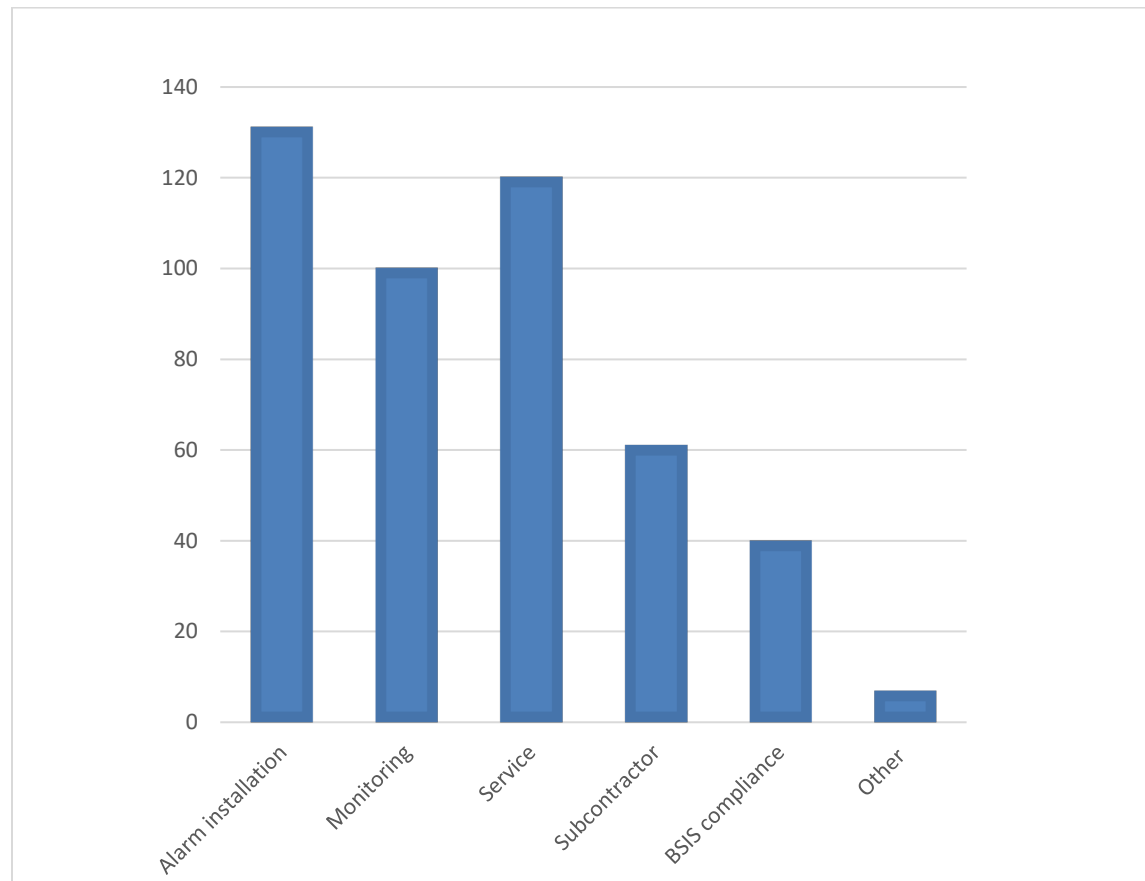


TABLE 8 – BRANCH OFFICES

BRANCH OFFICES	NUMBER (N)	PERCENT
Yes	30	21.13%
No	112	78.87%
Total	142	100%

FIGURE 8 – BRANCH OFFICES

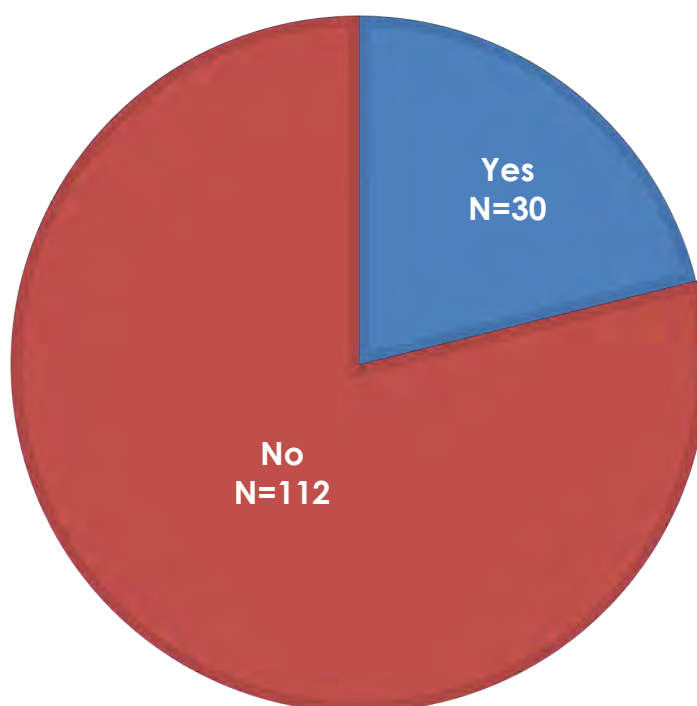


TABLE 9 – CENTRAL MONITORING STATION

Central Monitoring Station	NUMBER (N)	PERCENT
Yes	11	7.75%
No	131	92.25%
Total	142	100%

FIGURE 9 – CENTRAL MONITORING STATION

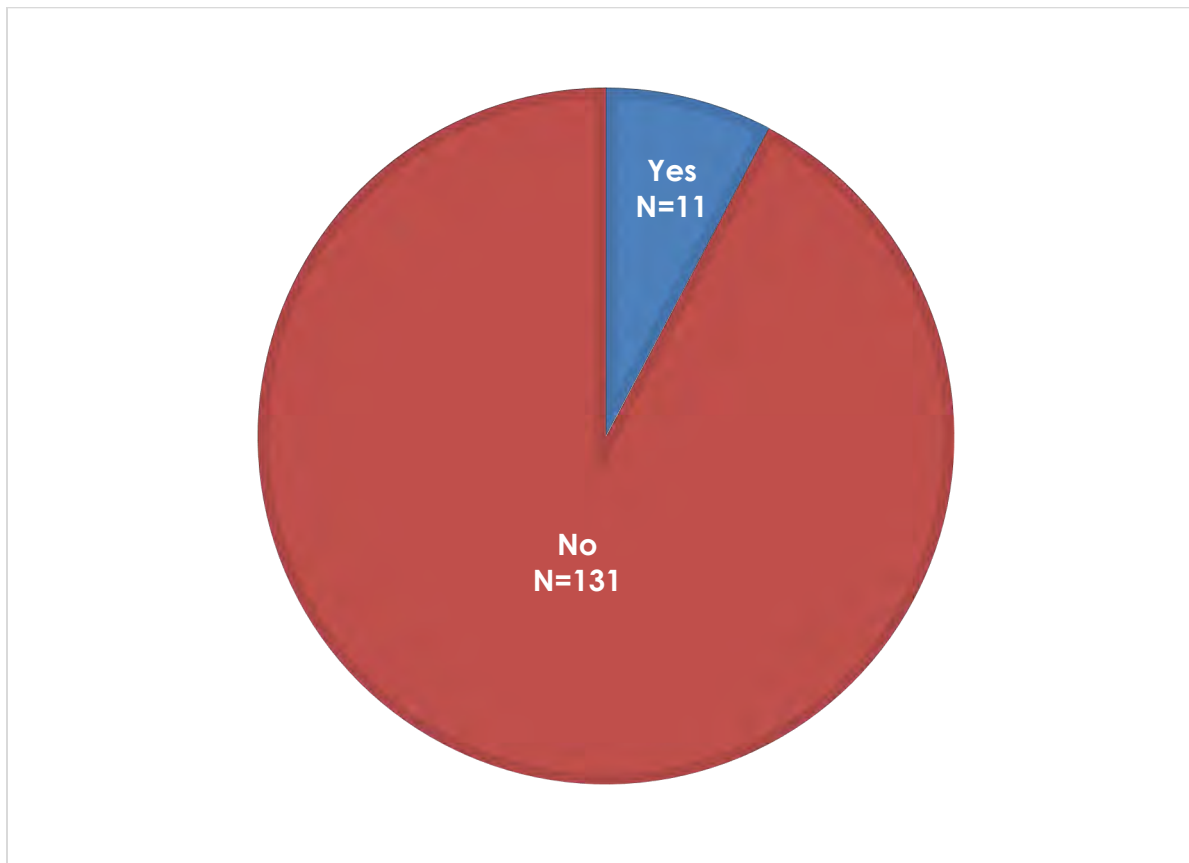


TABLE 10 – PHYSICAL RESPONSE TO ALARMS

Physical Response to Alarms	NUMBER (N)	PERCENT
Yes	14	9.86%
No	129	90.85%
Total	142	100%

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 10 – PHYSICAL RESPONSE TO ALARMS

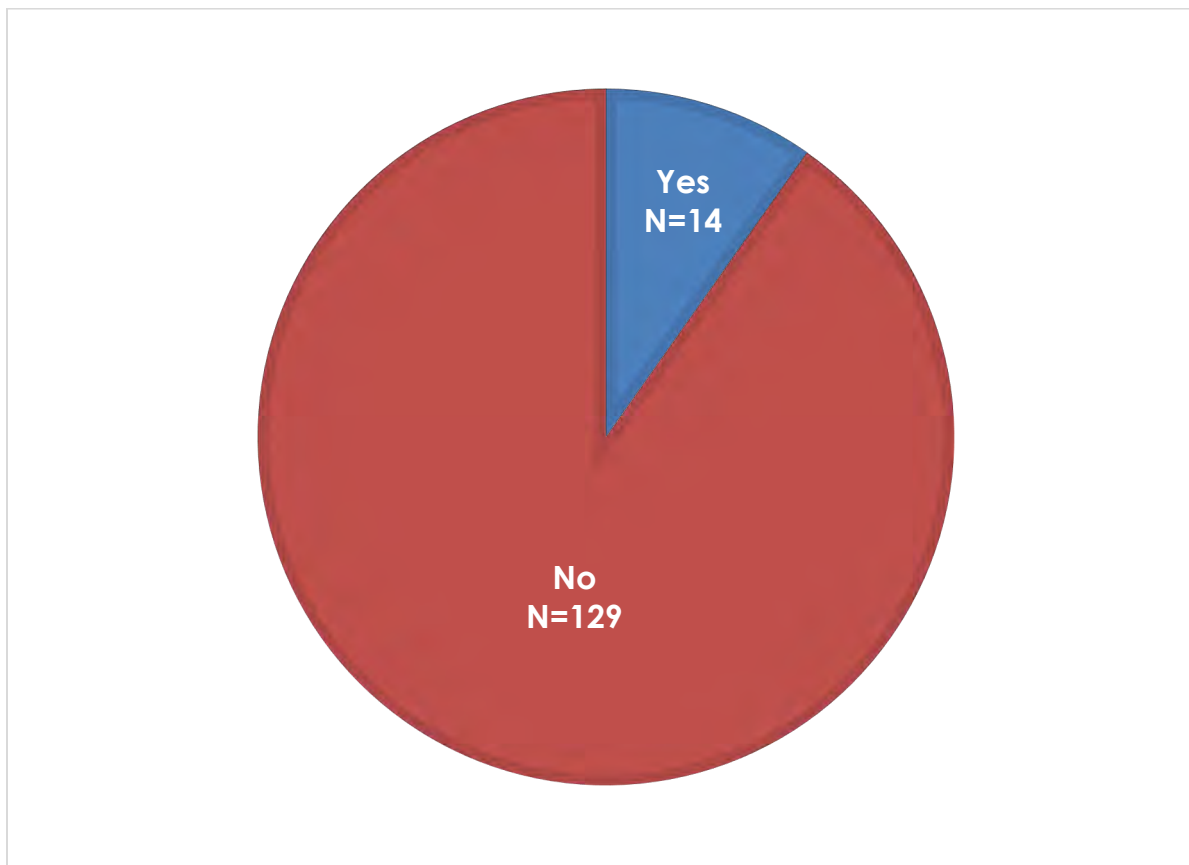


TABLE 11 – EMPLOYEES ARMED WITH FIREARMS

Firearms	NUMBER (N)	PERCENT
Yes	8	5.59%
No	135	94.41%
Total	142	100%

FIGURE 11 – EMPLOYEES ARMED WITH FIREARMS

TABLE 12 – EMPLOYEES ARMED WITH NON-LETHAL WEAPONS

Non-lethal Weapons	NUMBER (N)	PERCENT
Yes	7	4.90%
No	136	95.10%
Total	142	100%

FIGURE 12 – EMPLOYEES ARMED WITH NON-LETHAL WEAPONS



TABLE 13 – SPECIALTY AREAS PROVIDED*

SPECIALTY AREAS	NUMBER (N)	PERCENT**
Fire detection systems	74	55.22%
Access control	99	73.88%
Low voltage (telephone, structured cable)	97	72.39%
Networking	84	62.69%
CCTV closed circuit TV	118	83.09%
CATV cable antenna TV	22	16.42%
Other (please specify)	28	20.90%

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 13 – SPECIALTY AREAS

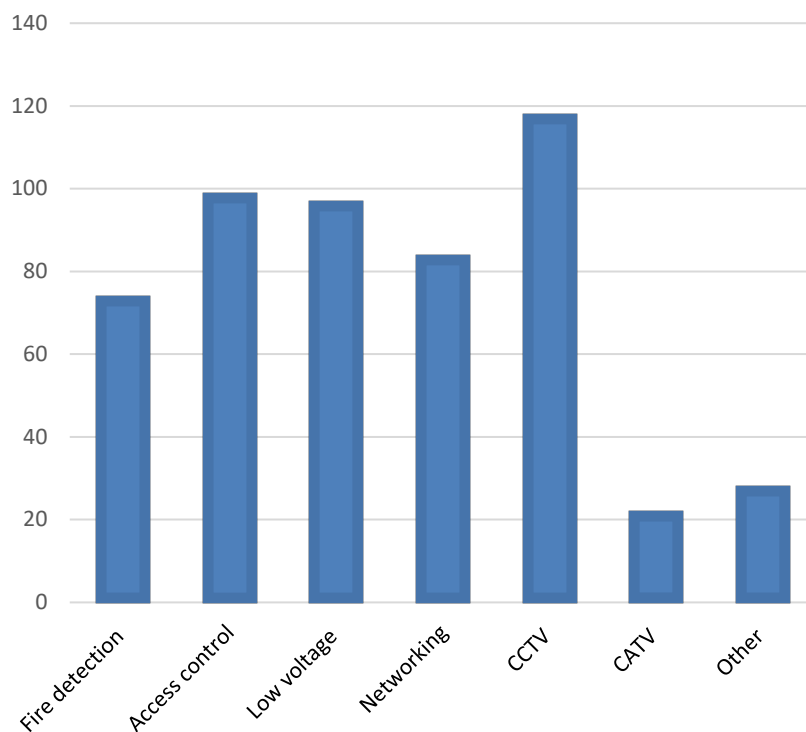


TABLE 14 – LOCATION OF PRIMARY WORK SETTING

LOCATION	NUMBER (N)	PERCENT
Urban (more than 50,000 people)	124	87.32%
Rural (fewer than 50,000 people)	18	12.68%
Total	142	100%

FIGURE 14 – LOCATION OF PRIMARY WORK SETTING

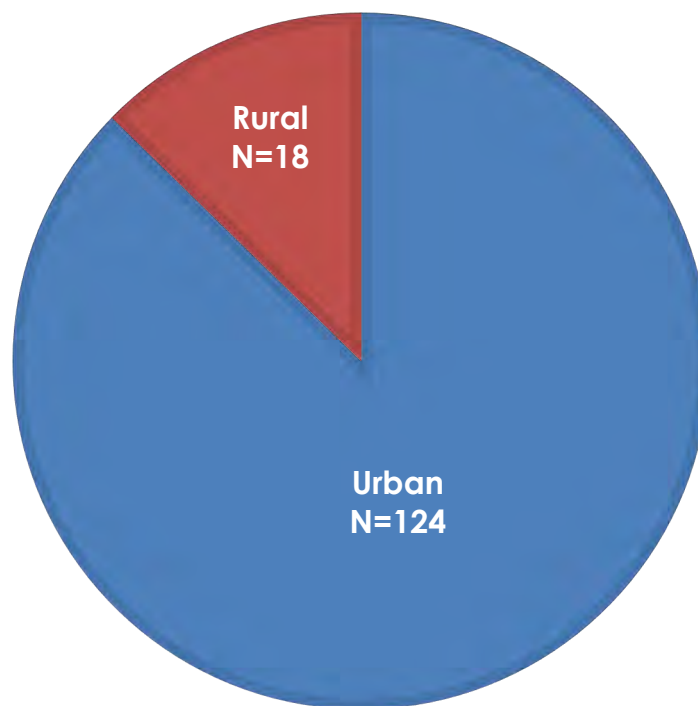


TABLE 15 – RESPONDENTS BY REGION*

REGION NAME	NUMBER (N)	PERCENT
Los Angeles County and Vicinity	45	31.3%
San Francisco Bay Area	26	18.1%
San Joaquin Valley	9	6.3%
Sacramento Valley	9	6.3%
San Diego County and Vicinity	16	11.1%
Shasta/Cascade	2	1.4%
Riverside and Vicinity	16	11.1%
Sierra Mountain Valley	4	2.8%
South/Central Coast	11	7.6%
Missing	6	4.2%
Total	144	100%

*NOTE: Percentages do not add to 100% due to rounding.

CHAPTER 4 | DATA ANALYSIS AND RESULTS

RELIABILITY OF RATINGS

OPES evaluated the task and knowledge ratings obtained from the questionnaire respondents with a standard index of reliability, coefficient alpha (α), which ranges from 0 to 1. Coefficient alpha is an estimate of the internal consistency of the respondents' ratings of the tasks and knowledge statements. A higher coefficient value indicates more consistency between respondent ratings. Coefficients were calculated for all respondent ratings.

Table 16 displays the reliability coefficients for the task rating scale in each content area. The overall ratings of task frequency and task importance across content areas were highly reliable (frequency $\alpha = .949$ importance $\alpha = .933$). Table 17 displays the reliability coefficients for the knowledge statement rating scale in each content area. The overall ratings of knowledge importance across content areas were highly reliable ($\alpha = .985$). These results indicate that the responding ACO-QMs rated the tasks and knowledge statements consistently throughout the questionnaire.

TABLE 16 – TASK SCALE RELIABILITY*

CONTENT AREA	NUMBER OF TASKS	α FREQUENCY	α IMPORTANCE
1. Managing Business Operations	12	.901	.880
2. Managing Alarm Installations	14	.959	.935
3. Alarm System Monitoring and Response	4	.837	.825
Overall	30	.949	.933

*Note: Reliability was calculated using all tasks in the questionnaire.

TABLE 17 – KNOWLEDGE SCALE RELIABILITY*

CONTENT AREA	NUMBER OF KNOWLEDGE STATEMENTS	α IMPORTANCE
1. Managing Business Operations	36	.976
2. Managing Alarm Installations	48	.984
3. Alarm System Monitoring and Response	11	.943
Overall	95	.985

*Note: Reliability was calculated using all knowledge statements in the questionnaire.

TASK CRITICALITY INDICES

To calculate the criticality indices of the task statements, OPES test specialists used the following formula. For each respondent, OPES first multiplied the frequency rating (Fi) and the importance rating (Ii) for each task. Next, OPES averaged the multiplication products across respondents as shown below:

$$\text{Task criticality index} = \text{mean } [(Fi) \times (Ii)]$$

The tasks included in the survey are Appendix B, which includes their mean frequency and importance ratings and their associated criticality indices.

OPES test specialists convened a workshop of 7 SMEs in January 2023. The purpose of this workshop was to identify the essential tasks and knowledge required for safe and competent ACO-QM practice at the time of licensure. The SMEs reviewed the mean frequency and importance ratings for each task and its criticality index to determine whether to establish a cutoff value below which tasks should be eliminated. Based on their review of the relative importance of tasks to ACO-QM practice, the SMEs determined that no cutoff value should be set and that all the tasks should be retained.

KNOWLEDGE IMPORTANCE RATINGS

To determine the importance of each knowledge statement, the mean importance (K Imp) rating for each knowledge statement was calculated. The knowledge statements included in the survey are presented in Appendix C, along with their mean importance ratings, sorted in descending order by content area.

The SMEs participating in the January 2023 workshop also reviewed the knowledge statement mean importance ratings. After reviewing the mean importance ratings and considering their relative importance to ACO-QM practice, the SMEs determined that no cutoff value should be set, and all the knowledge statements should be retained.

TASK-KNOWLEDGE LINKAGE

The SMEs who participated in the January 2023 workshop reviewed the preliminary assignments of the tasks and knowledge statements to content areas from the October 2022 workshop. They then confirmed the final linkage between tasks and knowledge statements.

It should be noted that a task statement was inadvertently excluded from the survey. This statement was added back as task number 13 in the content area “Managing Business Operations” to ensure linkage of task and knowledge statements. Subsequent tasks were sequentially renumbered. Table 18 shows the original and new number for tasks that were renumbered.

TABLE 18 – RENUMBERED TASKS

Original Number	New Number		Original Number	New Number		Original Number	New Number
13	14		19	20		25	26
14	15		20	21		26	27
15	16		21	22		27	28
16	17		22	23		28	29
17	18		23	24		29	30
18	19		24	25		30	31

CHAPTER 5 | EXAMINATION OUTLINE

CONTENT AREAS AND WEIGHTS

The SMEs in the January 2023 workshop were also asked to finalize the weights of the content areas that would form the California Alarm Company Operator Licensing Examination outline. OPES test specialists presented the SMEs with preliminary weights of the content areas, which were calculated by dividing the sum of the criticality indices for the tasks in each content area by the overall sum of the criticality indices for all tasks, as shown below.

$$\frac{\text{Sum of Criticality Indices for Tasks in Content Area}}{\text{Sum of Criticality Indices for All Tasks}} = \text{Percent Weight of Content Area}$$

The SMEs evaluated the preliminary content area weights in terms of how well they reflected the relative importance of each content area to entry level ACO-QM practice in California. Through discussion, the SMEs determined that adjustments to the preliminary weights were necessary to reflect the relative importance of each area to ACO-QM practice more accurately. The weight for content areas “Managing Business Operations” was decreased. The weights for content areas “Managing Alarm Installation” and “Alarm System Monitoring and Response” were increased. A summary of the preliminary and final content area weights is presented in Table 19.

TABLE 19 – CONTENT AREA WEIGHTS

CONTENT AREA	PRELIMINARY WEIGHTS	FINAL WEIGHTS
Managing Business Operations	34%	30%
Managing Alarm Installations	54%	55%
Alarm System Monitoring and Response	12%	15%
Total	100%	100%

The SMEs reviewed the content areas and wrote descriptions for each content area. They organized the tasks and knowledge statements into subareas within each content area and distributed the content area weight across the subareas. The content areas, subareas, and associated weights were then finalized and provide the basis of the California Alarm Company Operator Licensing Examination outline. The final examination outline is presented in Table 20.

TABLE 20 – EXAMINATION OUTLINE FOR THE CALIFORNIA ALARM COMPANY OPERATOR LICENSING EXAMINATION

Content Area 1: Managing Business Operations (30%). This area assesses the candidate's knowledge of managing alarm company business operations and personnel.

Section 1A: Business Practices (15%)

Tasks	Associated Knowledge Statements
T1. Manage business practices to comply with legal requirements regarding alarm company operations.	<p>K1. Knowledge of laws regarding alarm company operator qualified manager obligations and scope.</p> <p>K2. Knowledge of laws regarding prohibited acts.</p> <p>K3. Knowledge of laws regarding alarm company business entities and structures.</p> <p>K4. Knowledge of laws regarding fictitious business name requirements.</p> <p>K5. Knowledge of laws regarding out-of-state alarm company organizations operating in California.</p>
T2. Obtain insurance to comply with liability requirements for alarm company corporations.	<p>K6. Knowledge of laws regarding liability coverage for acts of errors or omissions.</p> <p>K7. Knowledge of laws regarding liability coverage for bodily injury, death, or property damage when firearms are carried on duty.</p> <p>K8. Knowledge of laws regarding insurance documentation and submission requirements.</p>
T3. Develop marketing strategies and materials that comply with advertising and solicitation requirements.	<p>K9. Knowledge of laws regarding advertising alarm company services.</p> <p>K10. Knowledge of laws regarding untrue or misleading statements in advertisements or documents.</p> <p>K11. Knowledge of laws regarding displaying of ACO license.</p>

Content Area 1: Managing Business Operations (30%), continued. This area assesses the candidate's knowledge of managing alarm company business operations and personnel.
 Section 1A: Business Practices (15%), continued.

Tasks	Associated Knowledge Statements
T4. Develop contracts or agreements to specify details of alarm company services.	K12. Knowledge of laws related to contracting with clients for alarm company services. K13. Knowledge of methods for developing scope of work and costs contract provisions. K14. Knowledge of laws regarding project abandonment and willful refusal to initiate installation. K15. Knowledge of laws regarding right of rescission.
T5. Report incidents of violent events to notify BSIS of circumstances of bodily injury, death, or discharge.	K16. Knowledge of laws regarding reporting of firearms discharge or use of other weapons. K17. Knowledge of types of information to include on Incident Report to BSIS. K18. Knowledge of requirements for submitting Incident Reports within specified time frame.

Content Area 1: Managing Business Operations (30%) continued. This area assesses the candidate's knowledge of managing alarm company business operations and personnel.
Section 1B: Employer Obligations (15%)

Tasks	Associated Knowledge Statements
T6. Verify alarm company employee (ACE) certifications and training to ensure compliance with registration requirements.	K19. Knowledge of laws regarding ACE Power to Arrest training requirements. K20. Knowledge of laws regarding ACE firearms proficiency before carrying during employment.
T7. Maintain records of ACE training completion and certifications to ensure employees remain current.	K21. Knowledge of laws related to the certification of registrations of employees.
T8. Maintain records of firearms and other weapons in possession of ACE while on duty to document weapon type(s) and possessor information.	K22. Knowledge of laws related to firearms records retention.
T9. Maintain personnel records to comply with employment and termination documentation requirements.	K23. Knowledge of laws regarding recordkeeping and retention of employee personnel records. K24. Knowledge of laws regarding confidentiality of employee personnel files. K25. Knowledge of laws regarding employee wages, breaks, and other forms of compensation.
T10. Train ACEs on the responsibilities and limitations of alarm company personnel to reinforce adherence while on duty.	K26. Knowledge of laws regarding trespassing. K27. Knowledge of laws regarding privacy. K28. Knowledge of laws regarding scope and level of authority of ACEs. K29. Knowledge of laws regarding false arrest, detainment, and confinement. K30. Knowledge of methods for training ACE personnel.

Content Area 1: Managing Business Operations (30%), continued. This area assesses the candidate's knowledge of managing alarm company business operations and personnel.
 Section 1B: Employer Obligations (15%), continued.

Tasks	Associated Knowledge Statements
T11. Supervise ACEs to ensure installation procedures are performed in a manner that conforms to laws and regulations.	K31. Knowledge of methods of supervising ACE on installation procedures that conform with laws and regulations.
T12. Provide ACEs with uniforms, patches, and other designations to identify employees as alarm company designees.	K32. Knowledge of requirements for carrying current registration and photo identification while on duty. K33. Knowledge of laws regarding design and use of ACE uniforms, badges, and designations.
T13. Provide employees with wages and other compensation to comply with employer obligations.	K34. Knowledge of laws regarding employee wages, breaks, and other forms of compensation. K35. Knowledge of laws regarding paid time off and unpaid leave requirements. K36. Knowledge of laws regarding workers' compensation insurance requirements.

Content Area 2: Managing Alarm Installations (55%). This area assesses the candidate's knowledge of planning and installing alarm systems. This area will also test candidates' knowledge about repairing malfunctioning alarm systems and preventing false alarms.

Section 2A: Project Consultation and Plan (10%)

Tasks	Associated Knowledge Statements
T14. Evaluate alarm system needs with customer to develop system plans and specifications.	<p>K37. Knowledge of advantages and disadvantages of alarm systems.</p> <p>K38. Knowledge of methods to assess customer's needs and expectations of alarm systems.</p> <p>K39. Knowledge of laws regarding electronic systems that can be installed by alarm company operators.</p> <p>K40. Knowledge of methods to conduct risk assessments to meet client goals.</p>
T15. Designate locations for alarm system control panel and keypads/touchpads to be installed.	K41. Knowledge of factors that affect placement of alarm system keypad(s), touchpads, and control equipment.
T16. Design alarm system plan to determine points of protection.	<p>K42. Knowledge of factors that affect placement of detection devices.</p> <p>K43. Knowledge of methods for designing alarm system plans based on protection needs.</p> <p>K44. Knowledge of methods for documenting alarm design and location.</p>
T17. Obtain alarm system permits to ensure compliance with safety and building codes.	<p>K45. Knowledge of permits required for alarm system installation.</p> <p>K46. Knowledge of sources to obtain information about local ordinances regarding alarm system operation.</p> <p>K47. Knowledge of local alarm ordinances for permitting alarm system installation.</p>

Content Area 2: Managing Alarm Installations (55%), continued. This area assesses the candidate's knowledge of planning and installing alarm systems. This area will also test candidates' knowledge about repairing malfunctioning alarm systems and preventing false alarms.

Section 2B: Alarm Installation (25%)

Tasks	Associated Knowledge Statements
T18. Install alarm system control panel and keypads/touchscreens to program system.	<p>K48. Knowledge of methods to test cellular, radio signal, and network at alarm panel location.</p> <p>K49. Knowledge of types of wired and wireless alarm devices and sensors.</p> <p>K50. Knowledge of procedures for installing alarm system control panel units (CPUs).</p> <p>K51. Knowledge of procedures for installing alarm system keypads or touchscreens.</p> <p>K52. Knowledge of procedures for installing external communication devices.</p>
T19. Install interior, perimeter, and exterior detection devices.	<p>K53. Knowledge of methods for analyzing existing construction as it relates to alarm system installation.</p> <p>K54. Knowledge of procedures for installing interior and exterior alarm system detection devices.</p> <p>K55. Knowledge of equipment required for installation of alarm protection devices.</p> <p>K56. Knowledge of principles of alarm system design.</p> <p>K57. Knowledge of procedures for installing conduit and raceway alarm systems.</p> <p>K58. Knowledge of types of conduits related to alarm systems.</p> <p>K59. Knowledge of methods for wiring requirements related to alarm system installation.</p> <p>K60. Knowledge of types of wire used in alarm system installation.</p> <p>K61. Knowledge of methods to ground alarm system equipment.</p> <p>K62. Knowledge of electrical codes that apply to alarm system installation.</p>

Content Area 2: Managing Alarm Installations (55%), continued. This area assesses the candidate's knowledge of planning and installing alarm systems. This area will also assess the candidate's knowledge about repairing malfunctioning alarm systems and preventing false alarms.

Section 2B: Alarm Installation (25%), continued.

Tasks	Associated Knowledge Statements
T20. Connect alarm system communication transmission devices to monitoring facility or individual.	<p>K63. Knowledge of methods to connect communication transmission devices with remote monitoring facilities.</p> <p>K64. Knowledge of methods to install phone line interface devices.</p> <p>K65. Knowledge of methods to install network connection devices.</p> <p>K66. Knowledge of effects of DSL internet connection on alarm system communication transmission.</p> <p>K67. Knowledge of methods to install DSL internet filters.</p> <p>K68. Knowledge of methods to test alarm system transmission devices communication.</p>
T21. Follow safety procedures while operating equipment to prevent injury during alarm system installation.	<p>K69. Knowledge of procedure for using protective and safety equipment during alarm system installation.</p> <p>K70. Knowledge of job site safety requirements and protocols related to alarm installation.</p> <p>K71. Knowledge of Cal/OSHA requirements related to alarm installations.</p>
T22. Educate client on the operation and maintenance of alarm system.	<p>K72. Knowledge of procedures for operating installed alarm systems.</p> <p>K73. Knowledge of methods to explain alarm system functions to customers.</p> <p>K74. Knowledge of installation procedures that minimize the occurrence of malfunction or dysfunction.</p> <p>K75. Knowledge of methods for explaining application-based or internet-based alarm system controls.</p>
T23. Provide clients with close-out documentation for alarm system.	<p>K76. Knowledge of laws regarding the provision of alarm system documentation to customers.</p>

	K77. Knowledge of procedures for documenting alarm system installation and components.
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Content Area 2: Managing Alarm Installations (55%), continued. This area assesses the candidate's knowledge of planning and installing alarm systems. This area also assesses the candidate's knowledge of repairing malfunctioning alarm systems and preventing false alarms.

Section 2C: Alarm Service and False Alarm Prevention (20%)

Tasks	Associated Knowledge Statements
T24. Investigate reported alarm system problems to identify defective equipment or devices.	K78. Knowledge of procedures for troubleshooting alarm system malfunctions or dysfunctions. K79. Knowledge of methods for interpreting central monitoring activity reports.
T25. Educate clients on false alarm prevention procedures to minimize occurrences.	K80. Knowledge of factors that result in false alarms. K81. Knowledge of methods for analyzing service history. K82. Knowledge of laws regarding liability for false alarm and nuisance alarms.
T26. Verify alarm system has been programmed correctly to rule out programming as cause of dysfunction or false alarms.	K83. Knowledge of methods used to recognize problems with alarm system equipment.
T27. Provide maintenance for alarm system according to manufacturer's specifications.	K84. Knowledge of types of compatible alarm system components used for repair services.

Content Area 3: Managing Alarm System Monitoring and Response (15%). This area assesses the candidate's knowledge of monitoring and responding to alarm systems.

Tasks	Associated Knowledge Statements
T28. Provide monitoring services to respond to threats, emergency, and off-normal events.	<p>K85. Knowledge of laws related to the use of third-party monitoring services.</p> <p>K86. Knowledge of laws regarding alarm company monitoring services.</p> <p>K87. Knowledge of laws regarding self-monitoring services.</p> <p>K88. Knowledge of criteria for monitoring agreement contracts between alarm company operator and monitoring services.</p> <p>K89. Knowledge of types of system programming signals.</p> <p>K90. Knowledge of communication methods (e.g., digital, radio) used to transmit alarm system activity.</p>
T29. Verify that alarm signals received from protected premises match information on file provided by installation.	<p>K91. Knowledge of methods used to verify recorded event history.</p> <p>K92. Knowledge of methods used to verify that devices, panel programming, and signals correlate.</p>
T30. Contact responsible parties according to established procedures to determine if dispatch is required.	K93. Knowledge of methods for managing the monitoring process in the event of a triggered alarm.
T31. Maintain an up-to-date emergency call list of responsible parties.	<p>K94. Knowledge of requirements regarding the maintenance of emergency contact information.</p> <p>K95. Knowledge of methods to obtain updated contact information from client.</p>

CHAPTER 6 | CONCLUSION

The OA of the ACO-QM profession described in this report provides a comprehensive description of current ACO-QM practice in California. The procedures employed to perform the OA were based on a content validation strategy to ensure that the results accurately represent ACO-QM practice. Results of this OA provide information regarding current practice that can be used to develop a valid and legally defensible California Alarm Company Operator Licensing Examination.

Use of the California Alarm Company Operator Licensing Examination outline contained in this report ensures that the Bureau is compliant with BPC § 139.

This report provides all documentation necessary to verify that the analysis has been completed in accordance with legal, professional, and technical standards.

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APPENDIX A | RESPONDENTS BY REGION

LOS ANGELES COUNTY AND VICINITY

County of Practice	Frequency
Los Angeles	32
Orange	13
TOTAL	45

RIVERSIDE AND VICINITY

County of Practice	Frequency
Riverside	15
San Bernardino	1
TOTAL	16

SACRAMENTO VALLEY

County of Practice	Frequency
Butte	1
Glenn	0
Lake	1
Sacramento	6
Sutter	0
Yolo	1
Yuba	0
TOTAL	9

SAN DIEGO COUNTY AND VICINITY

County of Practice	Frequency
Imperial	0
San Diego	16
TOTAL	16

SAN FRANCISCO BAY AREA

County of Practice	Frequency
Alameda	4
Contra Costa	6
Marin	0
Napa	0
San Francisco	6
San Mateo	3
Santa Clara	7
Santa Cruz	0
Solano	0
TOTAL	26

SAN JOAQUIN VALLEY

County of Practice	Frequency
Fresno	4
Kern	0
Kings	1
Madera	0
Merced	0
San Joaquin	0
Stanislaus	3
Tulare	1
TOTAL	9

SHASTA-CASCADE

County of Practice	Frequency
Plumas	0
Shasta	2
Siskiyou	0
Tehama	0
TOTAL	2

SIERRA MOUNTAIN VALLEY

County of Practice	Frequency
Amador	0
Calaveras	0
El Dorado	0
Nevada	0
Placer	2
Tuolumne	1
TOTAL	3

SOUTH COAST AND CENTRAL COAST

County of Practice	Frequency
Monterey	0
San Benito	1
San Luis Obispo	1
Santa Barbara	4
Ventura	5
TOTAL	11

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APPENDIX B | CRITICALITY INDICES FOR ALL TASKS BY CONTENT AREA

Content Area 1: Managing Business Operations

Section 1A: Business Practices

Tasks	Frequency	Importance	Criticality
T1. Manage business practices to comply with legal requirements regarding alarm company operations.	3.60	4.31	16.16
T2. Obtain insurance to comply with liability requirements for alarm company corporations.	3.26	4.24	14.68
T3. Develop marketing strategies and materials that comply with advertising and solicitation requirements.	2.06	2.48	6.87
T4. Develop contracts or agreements to specify details of alarm company services.	2.67	3.63	11.64
T5. Report incidents of violent events to notify BSIS of circumstances of bodily injury, death, or weapons discharge.	0.56	1.92	2.38

Content Area 1: Managing Business Operations
Section 1B: Employer Obligations

Tasks	Frequency	Importance	Criticality
T6. Verify alarm company employee (ACE) certifications and training to ensure compliance with registration requirements.	2.23	3.20	9.19
T7. Maintain records of ACE training completion and certifications to ensure employees remain current.	1.98	2.76	7.58
T8. Maintain records of firearms and other weapons in possession of ACE while on duty to document weapon type(s) and possessor information.	0.29	0.63	1.32
T9. Maintain personnel records to comply with employment and termination documentation requirements.	1.97	2.91	7.60
T10. Train ACEs on the responsibilities and limitations of alarm company personnel to reinforce adherence while on duty.	1.91	2.44	7.03
T11. Supervise ACEs on alarm to ensure installation procedures are performed in a manner that conforms to laws and regulations.	2.63	3.31	11.49
T12. Provide ACEs with uniforms, patches, and other designations to identify employees as alarm company designees.	1.88	2.33	7.33

Content Area 2: Managing Alarm Installations

Section 2A: Project Plan and Consultation

Tasks	Frequency	Importance	Criticality
T13. Evaluate alarm system needs with customer to develop system plans and specifications.	3.54	3.84	14.72
T14. Designate locations for alarm system control panel and keypads/touchpads to be installed.	3.60	3.75	14.85
T15. Design alarm system plan to determine points of protection.	3.60	3.92	15.61
T16. Obtain alarm system permits to ensure compliance with safety and building codes.	2.66	3.32	10.86

Content Area 2: Managing Alarm Installations

Section 2B: Alarm System Operation

Tasks	Frequency	Importance	Criticality
T17. Install alarm system control panel and keypads/touchscreens to program system.	3.10	3.52	12.64
T18. Install interior, perimeter, and exterior detection devices.	3.13	3.65	13.03
T19. Connect alarm system communication transmission devices to monitoring facility or individual.	3.36	4.00	14.42
T20. Follow safety procedures while operating equipment to monitor facility or individual.	3.57	4.07	15.88
T21. Educate client on the operation and maintenance of alarm system.	3.56	4.11	15.28
T22. Provide clients with close-out documentation for alarm system.	3.11	3.56	12.18

Content Area 2: Managing Alarm Installations

Section 2C: Alarm System Service and False Alarm Prevention

Tasks	Frequency	Importance	Criticality
T23. Investigate reported alarm system problems to identify defective equipment or devices.	3.29	3.99	13.85
T24. Educate clients on false alarm prevention procedures to minimize occurrences.	3.39	4.04	14.47
T25. Verify alarm system has been programmed correctly to rule out programming as cause of dysfunction or false alarms.	3.38	4.05	14.53
T26. Provide maintenance for alarm system according to manufacturer's specifications.	2.92	3.57	11.68

Content Area 3: Managing Alarm System Monitoring and Response

Tasks	Frequency	Importance	Criticality
T27. Provide monitoring services to respond to threats, emergency, and off-normal events.	2.49	3.00	10.74
T28. Verify that alarm signals received from protected premises match information on file provided by installation.	3.12	3.61	13.46
T29. Contact responsible parties according to established procedures to determine if dispatch is required.	2.00	2.71	8.59
T30. Maintain an up-to-date emergency call list of responsible parties.	2.76	3.64	12.03

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APPENDIX C | KNOWLEDGE IMPORTANCE RATINGS BY CONTENT AREA

Content Area 1: Managing Business Practices
Section 1A: Business Practices

Knowledge Statements	Importance
K1. Knowledge of laws regarding alarm company operator qualified manager obligations and scope.	4.19
K2. Knowledge of laws regarding prohibited acts.	4.14
K3. Knowledge of laws regarding alarm company business entities and structures.	4.01
K4. Knowledge of laws regarding fictitious business name requirements.	3.62
K5. Knowledge of laws regarding out-of-state alarm company organizations operating in California.	2.68
K6. Knowledge of laws regarding liability coverage for acts of errors or omissions.	3.84
K7. Knowledge of laws regarding liability coverage for bodily injury, death, or property damage when firearms are carried on duty.	2.53
K8. Knowledge of laws regarding insurance documentation and submission requirements.	3.46
K9. Knowledge of laws regarding advertising alarm company services.	3.23
K10. Knowledge of laws regarding untrue or misleading statements in advertisements or documents.	3.55
K11. Knowledge of laws regarding displaying of ACO license.	3.77
K12. Knowledge of laws related to contracting with clients for alarm company services.	3.89
K13. Knowledge of methods for developing scope of work and costs contract provisions.	3.72

K14. Knowledge of laws regarding project abandonment and willful refusal to initiate installation.	3.26
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Content Area 1: Managing Business Practices
 Section 1A: Business Practices, continued

Knowledge Statements	Importance
K15. Knowledge of laws regarding right of rescission.	3.46
K16. Knowledge of laws regarding reporting of firearms discharge or use of other weapons.	2.08
K17. Knowledge of types of information to include on Incident Report to BSIS.	3.08
K18. Knowledge of requirements for submitting Incident Reports within specified time frame.	3.00

Content Area 1: Managing Business Practices
Section 1B: Employer Obligations

Knowledge Statements	Importance
K19. Knowledge of laws regarding ACE Power to Arrest training requirements.	1.90
K20. Knowledge of laws regarding ACE firearms proficiency before carrying during employment.	1.83
K21. Knowledge of laws related to the certification of registrations of employees.	3.36
K22. Knowledge of laws related to firearms records retention.	1.87
K23. Knowledge of laws regarding recordkeeping and retention of employee personnel records.	3.21
K24. Knowledge of laws regarding confidentiality of employee personnel files.	3.33
K25. Knowledge of laws regarding trespassing.	2.64
K26. Knowledge of laws regarding privacy.	3.41
K27. Knowledge of laws regarding scope and level of authority of ACEs.	3.18
K28. Knowledge of laws regarding false arrest, detainment, and confinement.	2.09
K29. Knowledge of methods for training personnel in the responsibilities and restrictions of ACEs.	3.06
K30. Knowledge of methods for training ACE on alarm installation procedures.	3.44
K31. Knowledge of methods of supervising ACE on alarm installation procedures that conform with laws and regulations.	3.41

K32. Knowledge of requirements for carrying current registration and photo identification while on duty.	3.49
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Content Area 1: Managing Business Practices

Section 1B: Employer Obligations, continued

K33. Knowledge of laws regarding design and use of ACE uniforms, badges, and designations.	2.91
K34. Knowledge of laws regarding employee wages, breaks, and other forms of compensation.	3.32
K35. Knowledge of laws regarding paid time off and unpaid leave requirements.	3.16
K36. Knowledge of laws regarding workers' compensation insurance requirements.	3.26

Content Area 2: Managing Alarm Installations
Section 2A: Project Consultation and Planning

Knowledge Statements	Importance
K37. Knowledge of advantages and disadvantages of alarm systems.	3.90
K38. Knowledge of methods to assess customer's needs and expectations of alarm systems.	4.09
K39. Knowledge of laws regarding electronic systems that can be installed by alarm company operators.	4.03
K40. Knowledge of methods to conduct risk assessments to meet client goals.	3.66
K41. Knowledge of factors that affect placement of alarm system keypad(s), touchpads, and control equipment.	3.88
K42. Knowledge of factors that affect placement of detection devices.	4.07
K43. Knowledge of methods for designing alarm system plans based on protection needs.	3.96
K44. Knowledge of methods for documenting alarm design and location.	3.71
K45. Knowledge of permits required for alarm system installation.	3.85
K46. Knowledge of sources to obtain information about local ordinances regarding alarm system operation.	3.78
K47. Knowledge of local alarm ordinances for permitting alarm system installation.	3.90

Content Area 2: Managing Alarm Installations
Section 2B: Alarm System Installation

Knowledge Statements	Importance
K48. Knowledge of methods to test cellular, radio signal, and network at alarm panel location.	3.92
K49. Knowledge of types of wired and wireless alarm devices and sensors.	4.02
K50. Knowledge of procedures for installing alarm system control panel units (CPUs).	4.00
K51. Knowledge of procedures for installing alarm system keypads or touchscreens.	3.95
K52. Knowledge of procedures for installing external communication devices.	4.02
K53. Knowledge of methods for analyzing existing construction as it relates to alarm system installation.	4.03
K54. Knowledge of procedures for installing interior and exterior alarm system detection devices.	4.05
K55. Knowledge of equipment required for installation of alarm protection devices.	4.05
K56. Knowledge of principles of alarm system design.	4.20
K57. Knowledge of procedures for installing conduit and raceway alarm systems.	3.33
K58. Knowledge of types of conduits related to alarm systems.	3.33
K59. Knowledge of methods for wiring requirements related to alarm system installation.	3.88
K60. Knowledge of types of wire used in alarm system installation.	3.92

K61. Knowledge of methods to ground alarm system equipment.	3.68
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Content Area 2: Managing Alarm Installations
Section 2B: Alarm System Installation, continued

Knowledge Statements	Importance
K62. Knowledge of electrical codes that apply to alarm system installation.	3.80
K63. Knowledge of methods to connect communication transmission devices with remote monitoring facilities.	4.00
K64. Knowledge of methods to install phone line interface devices.	3.21
K65. Knowledge of methods to install network connection devices.	3.68
K66. Knowledge of effects of DSL internet connection on alarm system communication transmission.	2.82
K67. Knowledge of methods to install DSL internet filters.	2.65
K68. Knowledge of methods to test alarm system transmission devices communication.	4.03
K69. Knowledge of procedure for using protective and safety equipment during alarm system installation.	3.88
K70. Knowledge of job site safety requirements and protocols related to alarm installation.	4.06
K71. Knowledge of Cal/OSHA requirements related to alarm installations.	3.89
K72. Knowledge of procedures for operating installed alarm systems.	4.05
K73. Knowledge of methods to explain alarm system functions to customers.	4.14

K74. Knowledge of installation procedures that minimize the occurrence of malfunction or dysfunction.	4.20
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Content Area 2: Managing Alarm Installations
 Section 2B: Alarm System Installation, continued

Knowledge Statements	Importance
K75. Knowledge of methods for explaining application-based or internet-based alarm system controls.	3.91
K76. Knowledge of laws regarding the provision of alarm system documentation to customers.	3.89
K77. Knowledge of procedures for documenting alarm system installation and components.	3.89

Content Area 2: Managing Alarm Installations

Section 2C: Alarm System Service and False Alarm Prevention

Knowledge Statements	Importance
K78. Knowledge of procedures for troubleshooting alarm system malfunctions or dysfunctions.	4.18
K79. Knowledge of methods for interpreting central monitoring activity reports.	3.94
K80. Knowledge of factors that result in false alarms.	4.22
K81. Knowledge of methods for analyzing service history.	3.79
K82. Knowledge of laws regarding liability for false alarm and nuisance alarms.	3.91
K83. Knowledge of methods used to recognize problems with alarm system equipment.	4.12
K84. Knowledge of types of compatible alarm system components used for repair services.	4.05

Content Area 3: Managing Alarm System Monitoring and Response

Knowledge Statements	Importance
K85. Knowledge of laws related to the use of third-party monitoring services.	3.64
K86. Knowledge of laws regarding alarm company monitoring services.	3.75
K87. Knowledge of laws regarding self-monitoring services.	2.89
K88. Knowledge of criteria for monitoring agreement contracts between alarm company operator and monitoring services.	3.73
K89. Knowledge of types of system programming signals.	3.61
K90. Knowledge of digital and other communication methods used to transmit alarm system activity.	3.86
K91. Knowledge of methods used to verify recorded event history.	3.80
K92. Knowledge of methods used to verify that devices, panel programming, and signals correlate.	3.89
K93. Knowledge of methods for managing the monitoring process in the event of a triggered alarm.	3.98
K94. Knowledge of requirements regarding the maintenance of emergency contact information.	3.92
K95. Knowledge of methods to obtain updated contact information from client.	3.81

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APPENDIX D | QUESTIONNAIRE EMAIL INVITATION

Alarm Company Operator Qualified Manager Occupational Analysis

Hello, licensed alarm company operator qualified managers! The Bureau of Security and Investigative Services (Bureau) invites you to complete this survey. The survey is the most important part of an occupational analysis (OA) that the Bureau is conducting of your profession in California.

The OA is a comprehensive study of the alarm company operator qualified manager (ACQ) profession. With your help, we will gather accurate information about the important tasks currently performed by ACQs in California and the knowledge they need to perform those tasks safely and competently. We will use this information to ensure that candidates for licensure in California are tested fairly on current practice.

We worked with a group of licensed ACQs and the Office of Professional Examination Services (OPES) to develop this survey.

To complete the survey, click on the "Begin Survey" button below. Please complete it by **December 31, 2022**.

If you need assistance, please contact [REDACTED] at [REDACTED]

We value your contribution and appreciate your time!

Thank you,

Lynne Jensen

Bureau of Security and Investigative Services

APPENDIX E | QUESTIONNAIRE

2022 Alarm Company Operator Qualified Manager Survey

Alarm Company Operator Qualified Manager Occupational Analysis

Alarm Company Operator Qualified Manager Occupational Analysis

Hello, licensed alarm company operator qualified managers! The Bureau of Security and Investigative Services (Bureau) invites you to complete this survey. The survey is the most important part of an occupational analysis (OA) that the Bureau is conducting of your profession in California.

The OA is a comprehensive study of the alarm company operator qualified manager (ACQ) profession. With your help, we will gather accurate information about the important tasks currently performed by ACQs in California and the knowledge they need to perform those tasks safely and competently. We will use this information to ensure that candidates for licensure in California are tested fairly on current practice.

We worked with a group of licensed ACQs and the Office of Professional Examination Services (OPES) to develop this survey.

To complete the survey, click on the "Begin Survey" button below. Please complete it by **December 31, 2022**.

If you need assistance, please contact Brian Knox at Brian.Knox@dca.ca.gov.

We value your contribution and appreciate your time!

Thank you,

Lynne Jensen

Bureau of Security and Investigative Services

2022 Alarm Company Operator Qualified Manager Survey

OCCUPATIONAL ANALYSIS OF ALARM COMPANY OPERATOR QUALIFIED MANAGERS

The Bureau recognizes that every ACQ may not perform all of the tasks or use all of the knowledge contained in this questionnaire. However, your participation is essential to the success of this project, and your contributions will help establish standards for safe and effective ACQ practice in the State of California.

Complete this questionnaire only if you are currently licensed as an ACQ in California.

2022 Alarm Company Operator Qualified Manager Survey

PART I - PERSONAL DATA

The information you provide in this section is voluntary and confidential. It will be treated as personal information subject to the Information Practices Act (Civil Code section 1798 et seq.) and will be used only for the purpose of analyzing the ratings from this questionnaire.

2022 Alarm Company Operator Qualified Manager Survey

DEMOGRAPHICS

*** 1. Are you currently working as a licensed ACQ in California?**

- ☐ Yes
☐ No

2. How many years have you been licensed and working as an ACQ in California?

- ☐ 0-5 years
☐ 6-10 years
☐ 11-20 years
☐ More than 20 years

3. How would you classify your current employment status as it relates to the ACQ license?

- ☐ Owner/Qualified Manager
☐ Qualified Manager
☐ Nondesignated Qualified Manager
☐ Other (please specify)

4. How many hours per week do you work as an ACQ in California?

- ☐ 1 to 10 hours
☐ 11 to 20 hours
☐ 21 to 30 hours
☐ 31 to 40 hours
☐ More than 40 hours

5. What is the highest level of education you have achieved?

- ☐ High school diploma or equivalent
- ☐ Associate Degree
- ☐ Bachelor's Degree
- ☐ Master's Degree
- ☐ Doctorate
- ☐ Other (please specify)

6. What other California-issued licenses or certifications do you hold? (Check all that apply.)

- ☐ None
- ☐ Repossessor
- ☐ Locksmith
- ☐ Private Patrol Operator
- ☐ Private Investigator
- ☐ Firearms permit
- ☐ Bail Agent
- ☐ Electrical Contractor (C-10)
- ☐ Low Voltage Systems Contractor (C-7)
- ☐ Lock and Security Equipment Contractor (C-28)
- ☐ Fire Protection Contractor (C-16)
- ☐ Other (please specify)

7. How would you classify the majority of your responsibilities as ACQ? (Check all that apply.)

- ☐ Owner
- ☐ Manager
- ☐ Employee
- ☐ Sales
- ☐ Subcontractor
- ☐ Other (please specify)

8. What type of services do you provide as an ACQ? (Check all that apply.)

- ☐ Alarm installation
- ☐ Monitoring
- ☐ Service
- ☐ Subcontractor
- ☐ BSIS compliance
- ☐ Other (please specify)

9. Does your business have branch offices?

- ☐ Yes
- ☐ No

10. Do you operate your own central monitoring station?

- ☐ Yes
- ☐ No

11. Does your company have employees that physically respond to alarms?

- ☐ Yes
- ☐ No

12. Does your company have employees that carry firearms in the course of their duties with the alarm company?

- ☐ Yes
- ☐ No

13. Does your company have employees that carry nonlethal weapons in the course of their duties with the alarm company?

- ☐ Yes
- ☐ No

14. Which of the following specialty areas do you perform in your job? (Check all that apply.)

- ☐ Fire detection systems
- ☐ Access control
- ☐ Low voltage (telephone, structured cable)
- ☐ Networking
- ☐ CCTV closed circuit TV
- ☐ CATV cable antenna TV
- ☐ Other (please specify)

15. What describes the location of your primary work setting?

- ☐ Urban (more than 50,000 people)
- ☐ Rural (fewer than 50,000 people)

16. In what California county do you perform the majority of your work?

- | | | |
|------------------------------------|---------------------------------------|-------------------------------------|
| <input type="radio"/> Alameda | <input type="radio"/> Marin | <input type="radio"/> San Mateo |
| <input type="radio"/> Alpine | <input type="radio"/> Mariposa | <input type="radio"/> Santa Barbara |
| <input type="radio"/> Amador | <input type="radio"/> Mendocino | <input type="radio"/> Santa Clara |
| <input type="radio"/> Butte | <input type="radio"/> Merced | <input type="radio"/> Santa Cruz |
| <input type="radio"/> Calaveras | <input type="radio"/> Modoc | <input type="radio"/> Shasta |
| <input type="radio"/> Colusa | <input type="radio"/> Mono | <input type="radio"/> Sierra |
| <input type="radio"/> Contra Costa | <input type="radio"/> Monterey | <input type="radio"/> Siskiyou |
| <input type="radio"/> Del Norte | <input type="radio"/> Napa | <input type="radio"/> Solano |
| <input type="radio"/> El Dorado | <input type="radio"/> Nevada | <input type="radio"/> Sonoma |
| <input type="radio"/> Fresno | <input type="radio"/> Orange | <input type="radio"/> Stanislaus |
| <input type="radio"/> Glenn | <input type="radio"/> Placer | <input type="radio"/> Sutter |
| <input type="radio"/> Humboldt | <input type="radio"/> Plumas | <input type="radio"/> Tehama |
| <input type="radio"/> Imperial | <input type="radio"/> Riverside | <input type="radio"/> Trinity |
| <input type="radio"/> Inyo | <input type="radio"/> Sacramento | <input type="radio"/> Tulare |
| <input type="radio"/> Kern | <input type="radio"/> San Benito | <input type="radio"/> Tuolumne |
| <input type="radio"/> Kings | <input type="radio"/> San Bernardino | <input type="radio"/> Ventura |
| <input type="radio"/> Lake | <input type="radio"/> San Diego | <input type="radio"/> Yolo |
| <input type="radio"/> Lassen | <input type="radio"/> San Francisco | <input type="radio"/> Yuba |
| <input type="radio"/> Los Angeles | <input type="radio"/> San Joaquin | |
| <input type="radio"/> Madera | <input type="radio"/> San Luis Obispo | |

2022 Alarm Company Operator Qualified Manager Survey

PART II - TASK RATINGS

In this part of the questionnaire, please rate each task as it relates to your current job as an ACQ. Your **Frequency** and **Importance** ratings should be separate and independent ratings. Therefore, the ratings that you assign using one rating scale should not influence the ratings that you assign using the other rating scale.

If the task is **NOT** a part of your current job, rate the task as "0" (zero) Frequency and "0" (zero) Importance.

The boxes for rating the Frequency and Importance of each task have drop-down lists. Click on the "down" arrow for each list to see the rating, and then select the value based on your current job.

Use the following Frequency and Importance scales to rate the tasks.

FREQUENCY RATING

HOW OFTEN are these tasks performed in your current job? Use the following scale to make your ratings.

- 0 - DOES NOT APPLY TO MY CURRENT JOB.** I do not perform this task in my current job.
- 1 - RARELY.** This task is one of the tasks I perform least often in my current job relative to other tasks I perform.
- 2 - SELDOM.** This task is performed less often than most other tasks I perform in my current job.
- 3 - REGULARLY.** This task is performed as often as other tasks I perform in my current job.
- 4 - OFTEN.** This task is performed more often than most other tasks I perform in my current job.
- 5 - VERY OFTEN.** This task is one of the tasks I perform most often in my current job relative to other tasks I perform.

IMPORTANCE RATING

HOW IMPORTANT are these tasks in the effective performance of your current job? Use the following scale to make your ratings.

- 0 - NOT IMPORTANT; DOES NOT APPLY TO MY CURRENT JOB.** This task is not important to my current job; I do not perform this task in my current job.
- 1 - OF MINOR IMPORTANCE.** This task is of minor importance for effective performance relative to other tasks; it has the lowest priority of all the tasks I perform in my current job.
- 2 - FAIRLY IMPORTANT.** This task is fairly important for effective performance relative to other tasks; however, it does not have the priority of most other tasks I perform in my current job.
- 3 - MODERATELY IMPORTANT.** This task is moderately important for effective performance relative to other tasks; it has average priority of all the tasks I perform in my

current job.

4 • VERY IMPORTANT. This task is very important for effective performance relative to other tasks; it has a higher degree of priority than most other tasks I perform in my current job.

5 • CRITICALLY IMPORTANT. This task is one of the most critical tasks for effective performance relative to other tasks; it has the highest degree of priority of all the tasks I perform in my current job.

TASKS

	Frequency	Importance
1. Manage business practices to comply with legal requirements regarding alarm company operations.	<input type="text"/>	<input type="text"/>
2. Obtain insurance to comply with liability requirements for alarm company corporations.	<input type="text"/>	<input type="text"/>
3. Develop marketing strategies and materials that comply with advertising and solicitation requirements.	<input type="text"/>	<input type="text"/>
4. Develop contracts or agreements to specify details of alarm company services.	<input type="text"/>	<input type="text"/>
5. Report incidents of violent events to notify BSIS of circumstances of bodily injury, death, or discharge.	<input type="text"/>	<input type="text"/>
6. Verify alarm company employee (ACE) certifications and training to ensure compliance with registration requirements.	<input type="text"/>	<input type="text"/>
7. Maintain records of ACE training completion and certifications to ensure employees remain current.	<input type="text"/>	<input type="text"/>
8. Maintain records of firearms and other weapons in possession of ACE while on duty to document weapon type(s) and possessor information.	<input type="text"/>	<input type="text"/>
9. Maintain personnel records to comply with employment and termination documentation requirements.	<input type="text"/>	<input type="text"/>
10. Train ACEs on the responsibilities and limitations of alarm company personnel to reinforce adherence while on duty.	<input type="text"/>	<input type="text"/>
11. Supervise ACEs on alarm to ensure installation procedures are performed in a manner that conforms to laws and regulations.	<input type="text"/>	<input type="text"/>
12. Provide ACEs with uniforms, patches, and other designations to identify employees as alarm company designees.	<input type="text"/>	<input type="text"/>

2022 Alarm Company Operator Qualified Manager Survey

PART II - TASK RATINGS

TASKS

	Frequency	Importance
13. Evaluate alarm system needs with customer to develop system plans and specifications.	<input type="text"/>	<input type="text"/>
14. Designate locations for alarm system control panel and keypads/touchpads to be installed.	<input type="text"/>	<input type="text"/>
15. Design alarm system plan to determine points of protection.	<input type="text"/>	<input type="text"/>
16. Obtain alarm system permits to ensure compliance with safety and building codes.	<input type="text"/>	<input type="text"/>
17. Install alarm system control panel and keypads/touchscreens to program system.	<input type="text"/>	<input type="text"/>
18. Install interior, perimeter, and exterior detection devices.	<input type="text"/>	<input type="text"/>
19. Connect alarm system communication transmission devices to monitoring facility or individual.	<input type="text"/>	<input type="text"/>
20. Follow safety procedures while operating equipment to prevent injury during alarm system installation.	<input type="text"/>	<input type="text"/>
21. Educate client on the operation and maintenance of alarm system.	<input type="text"/>	<input type="text"/>
22. Provide clients with close-out documentation for alarm system.	<input type="text"/>	<input type="text"/>
23. Investigate reported alarm system problems to identify defective equipment or devices.	<input type="text"/>	<input type="text"/>
24. Educate clients on false alarm prevention procedures to minimize occurrences.	<input type="text"/>	<input type="text"/>
25. Verify alarm system has been programmed correctly to rule out programming as cause of dysfunction or false alarms.	<input type="text"/>	<input type="text"/>
26. Provide maintenance for alarm system according to manufacturer's specifications.	<input type="text"/>	<input type="text"/>

2022 Alarm Company Operator Qualified Manager Survey

PART II - TASK RATINGS

TASKS

	Frequency	Importance
27. Provide monitoring services to respond to threats, emergency, and off-normal events.	<input type="text"/>	<input type="text"/>
28. Verify that alarm signals received from protected premises match information on file provided by installation.	<input type="text"/>	<input type="text"/>
29. Contact responsible parties according to established procedures to determine if dispatch is required.	<input type="text"/>	<input type="text"/>
30. Maintain an up-to-date emergency call list of responsible parties.	<input type="text"/>	<input type="text"/>

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PART III - KNOWLEDGE RATINGS

In this part of the questionnaire, you will be presented with 95 knowledge statements. Rate each knowledge statement based on how **important** you believe that knowledge is to the effective performance of tasks in your current job.

If a knowledge does **NOT** apply to your current job, rate the statement as "0" (zero) **not important; not required** and go on to the next item.

Use the following **importance** scale to rate the knowledge statements.

IMPORTANCE SCALE

HOW IMPORTANT is this knowledge to the performance of tasks in your current job?

0 - NOT IMPORTANT; NOT REQUIRED. This job knowledge does not apply to my current job; it is not required for effective performance of tasks in my current job.

1 - OF MINOR IMPORTANCE. This job knowledge is of minor importance for effective performance of tasks in my current job; it is useful for some relatively minor part of my current job.

2 - FAIRLY IMPORTANT. This job knowledge is fairly important for effective performance of tasks in some relatively major part of my current job.

3 - MODERATELY IMPORTANT. This job knowledge is moderately important for effective performance of tasks in some relatively major part of my current job.

4 - VERY IMPORTANT. This job knowledge is very important for effective performance of tasks in a significant part of my current job.

5 - CRITICALLY IMPORTANT. This job knowledge is critically important for effective performance of tasks in my current job.

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PART III - KNOWLEDGE RATINGS

In this part of the questionnaire, you will be presented with 95 knowledge statements. Rate each knowledge statement based on how **important** you believe that knowledge is to the effective performance of tasks in your current job.

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Use the following **importance** scale to rate the knowledge statements.

IMPORTANCE SCALE

HOW IMPORTANT is this knowledge to the performance of tasks in your current job?

0 - NOT IMPORTANT; NOT REQUIRED. This job knowledge does not apply to my current job; it is not required for effective performance of tasks in my current job.

1 - OF MINOR IMPORTANCE. This job knowledge is of minor importance for effective performance of tasks in my current job; it is useful for some relatively minor part of my current job.

2 - FAIRLY IMPORTANT. This job knowledge is fairly important for effective performance of tasks in some relatively major part of my current job.

3 - MODERATELY IMPORTANT. This job knowledge is moderately important for effective performance of tasks in some relatively major part of my current job.

4 - VERY IMPORTANT. This job knowledge is very important for effective performance of tasks in a significant part of my current job.

5 - CRITICALLY IMPORTANT. This job knowledge is critically important for effective performance of tasks in my current job.

2022 Alarm Company Operator Qualified Manager Survey

PART III - KNOWLEDGE RATINGS

KNOWLEDGE STATEMENTS

	NOT REQUIRED	OF MINOR IMPORTANCE	FAIRLY IMPORTANT	MODERATELY IMPORTANT	VERY IMPORTANT	CRITICALLY IMPORTANT
1. Knowledge of laws regarding alarm company operator qualified manager obligations and scope.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Knowledge of laws regarding prohibited acts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Knowledge of laws regarding alarm company business entities and structures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Knowledge of laws regarding fictitious business name requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Knowledge of laws regarding out-of-state alarm company organizations operating in California.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Knowledge of laws regarding liability coverage for acts of errors or omissions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Knowledge of laws regarding liability coverage for bodily injury, death, or property damage when firearms are carried on duty.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Knowledge of laws regarding insurance documentation and submission requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Knowledge of laws regarding advertising	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

68. Knowledge of methods to test alarm system transmission devices communication.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
69. Knowledge of procedure for using protective and safety equipment during alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
70. Knowledge of job site safety requirements and protocols related to alarm installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
71. Knowledge of Cal/OSHA requirements related to alarm installations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
72. Knowledge of procedures for operating installed alarm systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
73. Knowledge of methods to explain alarm system functions to customers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
74. Knowledge of installation procedures that minimize the occurrence of malfunction or dysfunction.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
75. Knowledge of methods for explaining application-based or internet-based alarm system controls.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
76. Knowledge of laws regarding the provision of alarm system documentation to customers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
77. Knowledge of procedures for documenting alarm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2022 Alarm Company Operator Qualified Manager Survey

PART III - KNOWLEDGE RATINGS

KNOWLEDGE STATEMENTS

	NOT REQUIRED	OF MINOR IMPORTANCE	FAIRLY IMPORTANT	MODERATELY IMPORTANT	VERY IMPORTANT	CRITICALLY IMPORTANT
19. Knowledge of laws regarding ACE Power to Arrest training requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20. Knowledge of laws regarding ACE firearms proficiency before carrying during employment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21. Knowledge of laws related to the certification of registrations of employees.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22. Knowledge of laws related to firearms records retention.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23. Knowledge of laws regarding recordkeeping and retention of employee personnel records.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24. Knowledge of laws regarding confidentiality of employee personnel files.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
25. Knowledge of laws regarding trespassing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
26. Knowledge of laws regarding privacy.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
27. Knowledge of laws regarding scope and level of authority of ACEs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
28. Knowledge of						

laws regarding false arrest, detainment, and confinement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
29. Knowledge of methods for training personnel in the responsibilities and restrictions of ACEs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
30. Knowledge of methods for training ACE on alarm installation procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
31. Knowledge of methods of supervising ACE on alarm installation procedures that conform with laws and regulations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
32. Knowledge of requirements for carrying current registration and photo identification while on duty.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
33. Knowledge of laws regarding design and use of ACE uniforms, badges, and designations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
34. Knowledge of laws regarding employee wages, breaks, and other forms of compensation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
35. Knowledge of laws regarding paid time off and unpaid leave requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
36. Knowledge of laws regarding workers' compensation insurance requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2022 Alarm Company Operator Qualified Manager Survey

PART III - KNOWLEDGE RATINGS

KNOWLEDGE STATEMENTS

	NOT REQUIRED	OF MINOR IMPORTANCE	FAIRLY IMPORTANT	MODERATELY IMPORTANT	VERY IMPORTANT	CRITICALLY IMPORTANT
37. Knowledge of advantages and disadvantages of alarm systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
38. Knowledge of methods to assess customer's needs and expectations of alarm systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
39. Knowledge of laws regarding electronic systems that can be installed by alarm company operators.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
40. Knowledge of methods to conduct risk assessments to meet client goals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
41. Knowledge of factors that affect placement of alarm system keypad(s), touchpads, and control equipment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
42. Knowledge of factors that affect placement of detection devices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
43. Knowledge of methods for designing alarm system plans based on protection needs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
44. Knowledge of methods for documenting alarm design and location.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
45. Knowledge of permits required for alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

46. Knowledge of sources to obtain information about local ordinances regarding alarm system operation.

☐☐☐☐☐☐

47. Knowledge of local alarm ordinances for permitting alarm system installation.

☐☐☐☐☐☐

2022 Alarm Company Operator Qualified Manager Survey

PART III - KNOWLEDGE RATINGS

KNOWLEDGE STATEMENTS

	NOT REQUIRED	OF MINOR IMPORTANCE	FAIRLY IMPORTANT	MODERATELY IMPORTANT	VERY IMPORTANT	CRITICALLY IMPORTANT
48. Knowledge of methods to test cellular, radio signal, and network at alarm panel location.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
49. Knowledge of types of wired and wireless alarm devices and sensors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
50. Knowledge of procedures for installing alarm system control panel units (CPUs).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
51. Knowledge of procedures for installing alarm system keypads or touchscreens.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
52. Knowledge of procedures for installing external communication devices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
53. Knowledge of methods for analyzing existing construction as it relates to alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
54. Knowledge of procedures for installing interior and exterior alarm system detection devices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
55. Knowledge of equipment required for installation of alarm protection devices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
56. Knowledge of	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

principles of alarm system design.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
57. Knowledge of procedures for installing conduit and raceway alarm systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
58. Knowledge of types of conduits related to alarm systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
59. Knowledge of methods for wiring requirements related to alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
60. Knowledge of types of wire used in alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
61. Knowledge of methods to ground alarm system equipment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
62. Knowledge of electrical codes that apply to alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
63. Knowledge of methods to connect communication transmission devices with remote monitoring facilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
64. Knowledge of methods to install phone line interface devices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
65. Knowledge of methods to install network connection devices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
66. Knowledge of effects of DSL internet connection on alarm system communication transmission.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
67. Knowledge of methods to install DSL internet filters.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

68. Knowledge of methods to test alarm system transmission devices communication.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
69. Knowledge of procedure for using protective and safety equipment during alarm system installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
70. Knowledge of job site safety requirements and protocols related to alarm installation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
71. Knowledge of Cal/OSHA requirements related to alarm installations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
72. Knowledge of procedures for operating installed alarm systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
73. Knowledge of methods to explain alarm system functions to customers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
74. Knowledge of installation procedures that minimize the occurrence of malfunction or dysfunction.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
75. Knowledge of methods for explaining application-based or internet-based alarm system controls.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
76. Knowledge of laws regarding the provision of alarm system documentation to customers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
77. Knowledge of procedures for documenting alarm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

system installation
and components.

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PART III - KNOWLEDGE RATINGS

KNOWLEDGE STATEMENTS

	NOT REQUIRED	OF MINOR IMPORTANCE	FAIRLY IMPORTANT	MODERATELY IMPORTANT	VERY IMPORTANT	CRITICALLY IMPORTANT
78. Knowledge of procedures for troubleshooting alarm system malfunctions or dysfunctions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
79. Knowledge of methods for interpreting central monitoring activity reports.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
80. Knowledge of factors that result in false alarms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
81. Knowledge of methods for analyzing service history.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
82. Knowledge of laws regarding liability for false alarm and nuisance alarms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
83. Knowledge of methods used to recognize problems with alarm system equipment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
84. Knowledge of types of compatible alarm system components used for repair services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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PART III - KNOWLEDGE RATINGS

KNOWLEDGE STATEMENTS

	NOT REQUIRED	OF MINOR IMPORTANCE	FAIRLY IMPORTANT	MODERATELY IMPORTANT	VERY IMPORTANT	CRITICALLY IMPORTANT
85. Knowledge of laws related to the use of third-party monitoring services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
86. Knowledge of laws regarding alarm company monitoring services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
87. Knowledge of laws regarding self-monitoring services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
88. Knowledge of criteria for monitoring agreement contracts between alarm company operator and monitoring services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
89. Knowledge of types of system programming signals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
90. Knowledge of communication methods (e.g., digital, radio) used to transmit alarm system activity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
91. Knowledge of methods used to verify recorded event history.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
92. Knowledge of methods used to verify that devices, panel programming, and signals correlate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
93. Knowledge of methods for managing the monitoring process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

in the event of a triggered alarm.						
94. Knowledge of requirements regarding the maintenance of emergency contact information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
95. Knowledge of methods to obtain updated contact information from client.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2022 Alarm Company Operator Qualified Manager Survey

The Department of Consumer Affairs uses licensed ACQs to assist in the examination development process. Are you interested in participating as a Subject Matter Expert in future ACQ licensing examination workshops?

☐ No

☐ Yes (please enter email and license number below)

2022 Alarm Company Operator Qualified Manager Survey

Thank you for completing this questionnaire!

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OFFICE OF PROFESSIONAL EXAMINATION SERVICES



OCCUPATIONAL ANALYSIS OF THE PRIVATE INVESTIGATOR QUALIFIED MANAGER PROFESSION

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

OCCUPATIONAL ANALYSIS OF THE PRIVATE INVESTIGATOR QUALIFIED MANAGER PROFESSION



May 2022



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This occupational analysis report is mandated by California Business and Professions (B&P) Code § 139 and by DCA Licensure Examination Validation Policy OPES 18-02.

EXECUTIVE SUMMARY

The Bureau of Security and Investigative Services (Bureau) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) of the private investigator qualified manager (PI-QM) profession in California. The purpose of the OA is to define practice in terms of critical tasks that PI-QMs must be able to perform competently at the time of licensure. The results of this OA provide a description of practice for the PI-QM profession and provide the basis for developing a valid and legally defensible California Private Investigator Licensing Examination.

OPES test specialists began by researching the profession and conducting telephone interviews with licensed PI-QMs working in counties throughout California. The purpose of these interviews was to identify the tasks performed by PI-QMs and to determine the knowledge required to perform those tasks in a safe and competent manner. Using the information gathered from the research and the interviews, OPES test specialists developed a preliminary list of tasks performed by PI-QMs in their profession, along with statements representing the knowledge needed to perform those tasks.

In December 2021, OPES test specialists convened a workshop to review and refine the preliminary lists of tasks and knowledge statements describing PI-QM practice in California. PI-QMs participated in the workshops as subject matter experts (SMEs). The SMEs were from diverse backgrounds in the profession (e.g., work setting, geographic location of practice, years licensed). In January 2022, OPES test specialists convened a second workshop to review and finalize the lists of tasks and knowledge statements. The SMEs also linked each task with the knowledge required to perform that task and reviewed demographic questions to be used on the OA questionnaire.

After the second workshop, OPES test specialists developed a three-part OA questionnaire to be completed by PI-QMs statewide. Development of the OA questionnaire included a pilot study that was conducted with a group of PI-QMs who participated in either the interviews or the December 2021 and January 2022 workshops. The pilot study participants' feedback was incorporated into the final questionnaire, which was administered from February 8, 2022 to March 7, 2022.

In the first part of the OA questionnaire, PI-QMs were asked to provide demographic information related to their practice and work settings. In the second part, PI-QMs were asked to rate how often they perform each task in their current practice (Frequency) and how important the task is to effective performance of their current practice (Importance). In the third part, PI-QMs were asked to rate how important each knowledge statement is to effective performance of their current practice (Importance).

In February 2022, on behalf of the Bureau, OPES sent an email to a sample of 1,519 licensed PI-QMs, inviting them to complete the online OA questionnaire. The email invitation was sent to PI-QMs for whom the Bureau had an email address on file.

A total of 373 PI-QMs, or approximately 24.6% of the PI-QMs who received an email invitation, responded to the OA questionnaire. The final number of respondents included in the data analysis was 236 (15.5%). This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and working as a PI-QM in California. Second, OPES excluded questionnaires containing a large portion of incomplete responses.

OPES test specialists then performed data analyses on the task and knowledge ratings obtained from the questionnaire respondents. The task importance and frequency ratings were combined to derive an overall criticality index for each task statement. The mean of importance ratings was used as the criticality index for each knowledge statement.

Once the data were analyzed, OPES test specialists conducted an additional workshop with PI-QMs in April 2022. The SMEs evaluated the criticality indices and determined whether any tasks or knowledge statements should be eliminated. The SMEs in this group also established the final linkage between tasks and knowledge statements, reviewed the task and knowledge statement content areas, and defined those content areas. The SMEs then evaluated the preliminary content area weights and determined the final weights for the new California Private Investigator Licensing Examination outline.

The examination outline is structured into four content areas weighted relative to the other content areas. The new outline identifies the tasks and knowledge critical to competent PI-QM practice in California at the time of license issuance.

The examination outline developed as a result of this OA provides a basis for developing the California Private Investigator Licensing Examination.

OVERVIEW OF THE CALIFORNIA PRIVATE INVESTIGATOR LICENSING EXAMINATION OUTLINE

Content Areas and Subareas	Content Area Description	Area Weight (percent)	Subarea Weight (percent)
1. MANAGING PRIVATE INVESTIGATION BUSINESS OPERATIONS	This area assesses a candidate's knowledge of PI business structures and operations.	15	
2. MANAGING PRIVATE INVESTIGATIONS	This area assesses a candidate's knowledge of investigation planning, practices, and documentation standards.	55	
2A. Scope of Engagement and Investigation Planning			10
2B. Information Gathering and Investigation Processes			35
2C. Investigation Analyses, Documentation, and Report of Conclusions			10
3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS	This area assesses a candidate's knowledge of PI activities in trial preparation and other civil and criminal court proceedings.	10	
3A. Litigation Support			5
3B. Participation in Court Proceedings			5
4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES	This area assesses a candidate's knowledge of PI professional and ethical responsibilities in investigations.	20	
4A. Professional Responsibilities			8
4B. Ethical Responsibilities			12
TOTAL		100	

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CHAPTER 1 | INTRODUCTION

PURPOSE OF THE OCCUPATIONAL ANALYSIS

The Bureau of Security and Investigative Services (Bureau) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) as part of the Bureau's comprehensive review of the private investigator qualified manager (PI-QM) profession in California. The purpose of the OA is to identify critical activities performed by PI-QMs in California. The results of this OA provide a description of practice for the PI-QM profession and a basis for constructing a valid and legally defensible California Private Investigator Licensing Examination.

PARTICIPATION OF SUBJECT MATTER EXPERTS

California PI-QMs participated as subject matter experts (SMEs) during the OA to ensure that the description of practice directly reflects current PI-QM practice in California. These SMEs represented the profession in terms of work settings, geographic location of practice, and years of experience. The SMEs provided technical expertise and information regarding different aspects of practice through interviews and workshops. During interviews, the SMEs provided information about the tasks involved in practice and the knowledge required to perform those tasks safely and competently. During workshops, the SMEs developed and reviewed the tasks and knowledge statements describing PI-QM practice, organized the tasks and knowledge statements into content areas, evaluated the results of the OA, and developed the examination outline.

ADHERENCE TO LEGAL STANDARDS AND GUIDELINES

Licensure, certification, and registration programs in the State of California adhere strictly to federal and state laws and regulations, as well as to professional guidelines and technical standards. For the purposes of OAs, the following laws and guidelines are authoritative:

- California Business and Professions (B&P) Code § 139.
- 29 Code of Federal Regulations Part 1607 – Uniform Guidelines on Employee Selection Procedures (1978).
- California Fair Employment and Housing Act, Government Code § 12944.
- *Principles for the Validation and Use of Personnel Selection Procedures* (2018), Society for Industrial and Organizational Psychology (SIOP).

- *Standards for Educational and Psychological Testing* (2014), American Educational Research Association, American Psychological Association, and National Council on Measurement in Education.

For a licensure program to meet these standards, it must be solidly based upon the job activities required for practice.

DESCRIPTION OF OCCUPATION

The PI-QM and PI occupations are described as follows in §§ 7512.7 and 7521 of the B&P Code:

§ 7512.7

As used in this chapter, “qualified manager” means the individual under whose direction, control, charge, or management the business of a licensee is operated as specified in Section 7536.

§ 7521

A private investigator within the meaning of this chapter is a person, other than an insurance adjuster subject to the provisions of Chapter 1 (commencing with Section 14000) of Division 5 of the Insurance Code , who, for any consideration whatsoever engages in business or accepts employment to furnish or agrees to furnish any person to protect persons pursuant to Section 7521.5, or engages in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining, information with reference to:

- (a) Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America.
- (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.
- (c) The location, disposition, or recovery of lost or stolen property.
- (d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property.
- (e) Securing evidence to be used before any court, board, officer, or investigating committee.

For the purposes of this section, a private investigator is any person, as defined in Section 7512.3, acting for the purpose of investigating, obtaining, and reporting to any employer, or an agent designated by the employer, information concerning the employer's employees involving questions of integrity, honesty, breach of rules, or other standards of performance of job duties.

This section does not apply to a public utility regulated by the Public Utilities Commission, or its employees.

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CHAPTER 2 | OCCUPATIONAL ANALYSIS QUESTIONNAIRE

SUBJECT MATTER EXPERT INTERVIEWS

The Bureau provided OPES with a list of PI-QMs to contact for telephone interviews. During the semi-structured interviews, seven PI-QMs were asked to identify the major content areas of practice and the tasks performed in each area. They were also asked to identify the knowledge necessary to perform each task safely and competently.

TASKS AND KNOWLEDGE STATEMENTS

To develop a preliminary list of tasks and knowledge statements, OPES test specialists integrated the information gathered from literature reviews of profession-related sources (e.g., previous OA reports, articles, industry publications, and laws and regulations) and from interviews with SMEs.

In December 2021 and January 2022, OPES test specialists facilitated two workshops to review and refine the tasks and knowledge statements. Thirteen SMEs from diverse backgrounds (e.g., work setting, geographic location, and years licensed) participated in these workshops. During the first workshop, the SMEs evaluated the tasks and knowledge statements for technical accuracy, level of specificity, and comprehensiveness. In addition, the SMEs evaluated the organization of task statements within content areas to ensure that the content areas were independent and non-overlapping.

During the second workshop, the SMEs finalized the statements and performed a linkage between the tasks and knowledge statements. The linkage was performed to identify the knowledge required for performance of each task and to verify that each statement of knowledge is important for safe and competent practice as a PI-QM. Additionally, the linkage ensured that all task statements were linked to at least one knowledge statement and that each knowledge statement was linked to at least one task statement.

During this workshop, SMEs also evaluated the scales that would be used for rating tasks and knowledge statements in an online OA questionnaire to be sent to PI-QMs statewide. The SMEs also reviewed and revised the proposed demographic questions for the online OA questionnaire.

OPES used the final lists of tasks and knowledge statements, demographic questions, and rating scales to develop the online OA questionnaire.

QUESTIONNAIRE DEVELOPMENT

OPES test specialists developed the online OA questionnaire designed to solicit ratings by PI-QMs of the tasks and knowledge statements. The surveyed PI-QMs were instructed to rate how often they perform each task in their current practice (Frequency) and how important each task is to the effective performance of their current practice (Importance). In addition, they were instructed to rate how important each item of knowledge is to the effective performance of their current practice (Importance). The OA questionnaire also included a demographic section to obtain relevant professional background information about responding PI-QMs. The OA questionnaire can be found in Appendix E.

PILOT STUDY

Before administering the final questionnaire, OPES conducted a pilot study of the online questionnaire. The draft questionnaire was reviewed by the Bureau and then sent to 13 SMEs who had participated in either the interviews or workshops. OPES received feedback on the pilot study from seven respondents. The SMEs reviewed the tasks and knowledge statements in the questionnaire for technical accuracy and for whether they reflected PI-QM practice. The SMEs also provided the estimated time for completion of the questionnaire, as well as information about online navigation and ease of use. OPES test specialists used this feedback to refine the final questionnaire, which was administered from February 8, 2022 to March 7, 2022.

CHAPTER 3 | RESPONSE RATE AND DEMOGRAPHICS

SAMPLING STRATEGY AND RESPONSE RATE

In February 2022, on behalf of the Bureau, OPES sent an email to a sample of 1,519 PI-QMs licensed in California for whom the Bureau had an email address on file, inviting them to complete the online OA questionnaire. The email invitation can be found in Appendix D.

A total of 373 PI-QMs, or approximately 24.6% of the PI-QMs who received the email invitation, responded to the OA questionnaire. The final number of respondents included in the data analyses was 236 (15.5%). This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and working as a PI-QM in California. Second, OPES excluded data from questionnaires with a large portion of incomplete responses. The final respondent sample appears to represent the California PI-QM profession based on the sample's demographic composition.

DEMOGRAPHIC SUMMARY

As shown in Table 1 and Figure 1, the responding PI-QMs reported a range of years of experience and were distributed across the predefined experience level categories. Of the respondents, 38.1% reported they had worked as a PI-QM for 5 years or less, while 20.3% reported having worked as a PI-QM for 6–10 years. When asked about their highest level of education, 37.7% of respondents reported a bachelor's degree, 20.8% reported an associate degree, and 18.2% reported a master's degree (Table 2 and Figure 2).

Respondents were then asked about their employment experience before qualifying for a PI-QM license. As shown in Table 3 and Figure 3, 63.1% reported that they had law enforcement experience, and 15.7% reported experience working under a licensed PI. When asked about additional California licenses or certifications held, most respondents reported that they held either an Exposed Firearms Permit (34.3%) or a security guard registration (28.4%), or both (Table 4 and Figure 4).

Table 5 and Figure 5 show that 38.1% of respondents reported that they work less than 10 hours per week as a PI-QM, while 17.4% reported that they work 11–20 hours per week, and 17.4% reported that they work 31–40 hours per week.

Most respondents described the location of their primary work setting as a private business (73.7%), while 6.8% described it as a government setting, and 5.9% described it as a law firm (Table 6 and Figure 6).

Respondents were also asked what the majority of their responsibilities were in the businesses in which they work. Table 7 and Figure 7 show a breakdown of the responses. Most respondents reported that the majority of their responsibilities were as an owner/manager (76.7%), while 11.9% described their role as a subcontractor and 6.4% as an employee.

When asked about their employees, most respondents reported that their business employs no non-investigative employees (84.7%), with 12.7% reporting 1–5 non-investigative employees (Table 8 and Figure 8). Additionally, most respondents reported that their business employs no investigative employees (79.2%), while 17.8% reported 1–5 investigative employees, and 1.3% reported 6–10 investigative employees (Table 9 and Figure 9).

Respondents were also asked what type of specialty services they offer as a PI. A majority of respondents reported providing background checks (70.3%) and surveillance (50.1%). Of the respondents, 45.8% reported civil litigation, and 43.2% reported person locate. A full list of responses is shown in Table 10.

Table 11 shows that most respondents reported that their primary work setting is in an urban area (86%). Table 12 shows the location of respondents' primary practice by geographical region. Additional demographic information from respondents can be found in Tables 1–12 and Figures 1–9.

TABLE 1 – YEARS LICENSED AS A PI

YEARS	NUMBER (N)	PERCENT
Less than a year	13	5.5
1–5 years	90	38.1
6–10 years	48	20.3
11–15 years	22	9.3
16–20 years	14	5.9
More than 20 years	49	20.3
Total	236	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 1 – YEARS LICENSED AS A PI

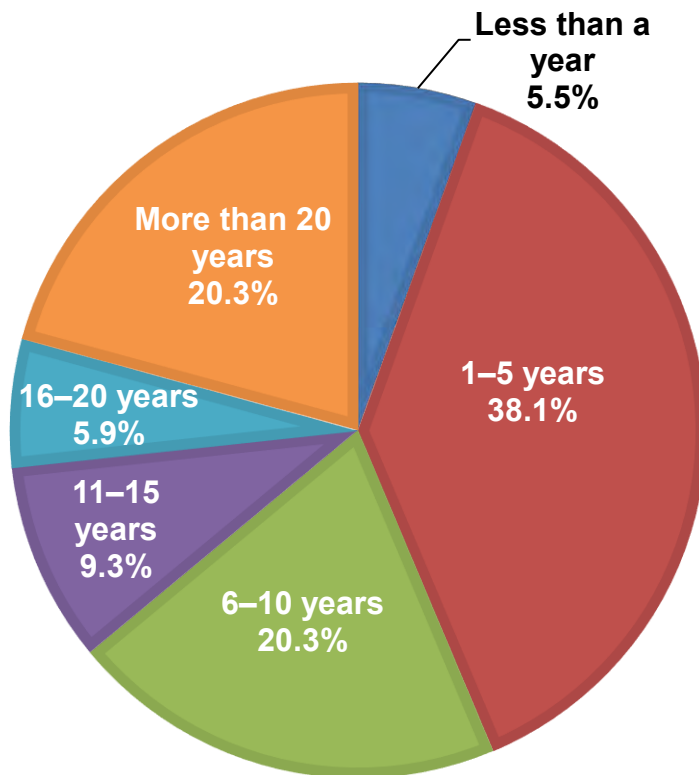


TABLE 2 – HIGHEST LEVEL OF EDUCATION ACHIEVED

DEGREES	NUMBER (N)	PERCENT
Other (please specify)	20	8.5
High school diploma / GED	31	13.1
Associate degree	49	20.8
Bachelor's degree	89	37.7
Master's degree	43	18.2
Doctorate	4	1.7
Total	236	100

FIGURE 2 – HIGHEST LEVEL OF EDUCATION ACHIEVED

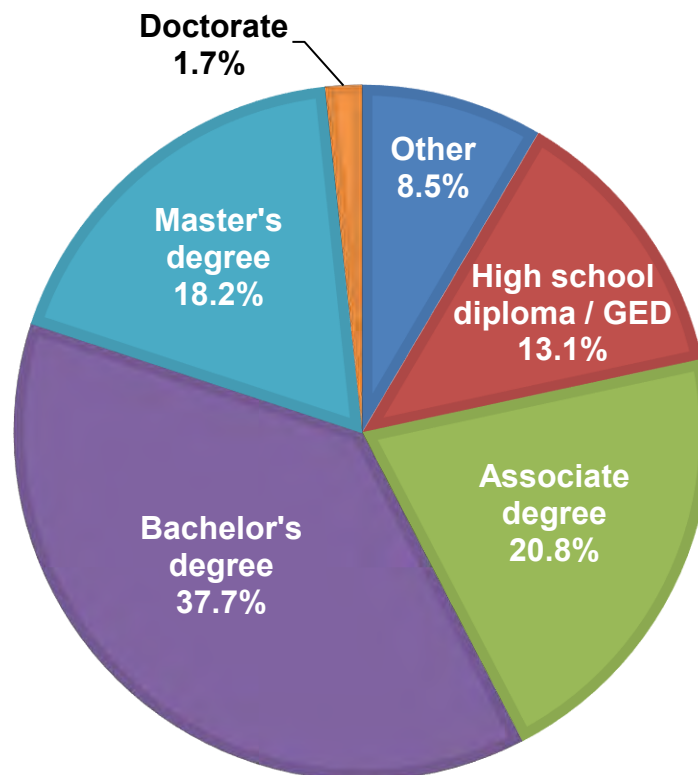


TABLE 3 – WORK EXPERIENCE BEFORE QUALIFYING AS A PI*

TYPE OF WORK	NUMBER (N)	PERCENT**
Attorney	28	11.9
Corporate investigations	32	13.6
Corporate loss prevention	12	5.1
Employee of licensed PI	37	15.7
Insurance/workers' compensation	30	12.7
Investigative employee for attorney	18	7.6
Investigative journalist	2	0.9
Law enforcement	149	63.1
Legal services / public defender	16	6.8
Military police or investigations	15	6.4
Private or proprietary security	24	10.1
Risk management related investigations	27	11.4

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 3 – WORK EXPERIENCE BEFORE QUALIFYING AS A PI

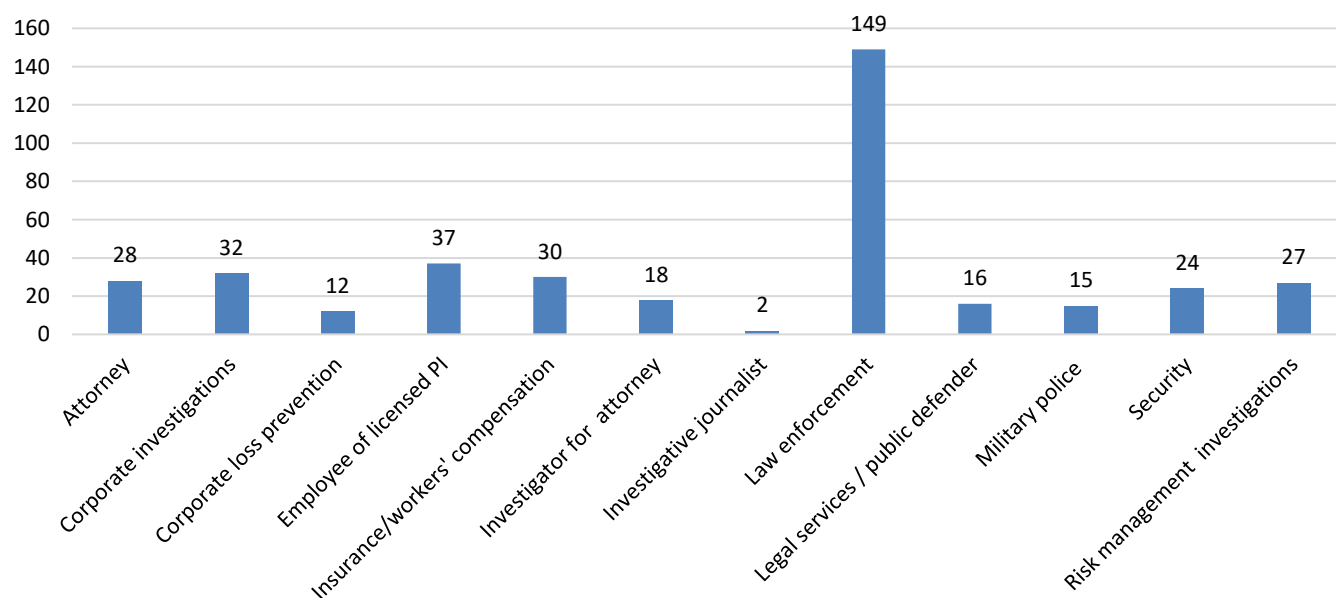


TABLE 4 – OTHER CALIFORNIA LICENSES OR PERMITS HELD*

TYPE	NUMBER (N)	PERCENT**
None	97	41.1
Alarm company operator	2	0.9
Bail agent	4	1.7
Firearm permit / concealed carry permit	81	34.3
Private patrol operator	20	8.5
Process server	19	8.1
Repossessor	1	0.4
Security guard registration	67	28.4
Remote pilot license	6	2.5

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 4 – OTHER CALIFORNIA LICENSES OR PERMITS HELD

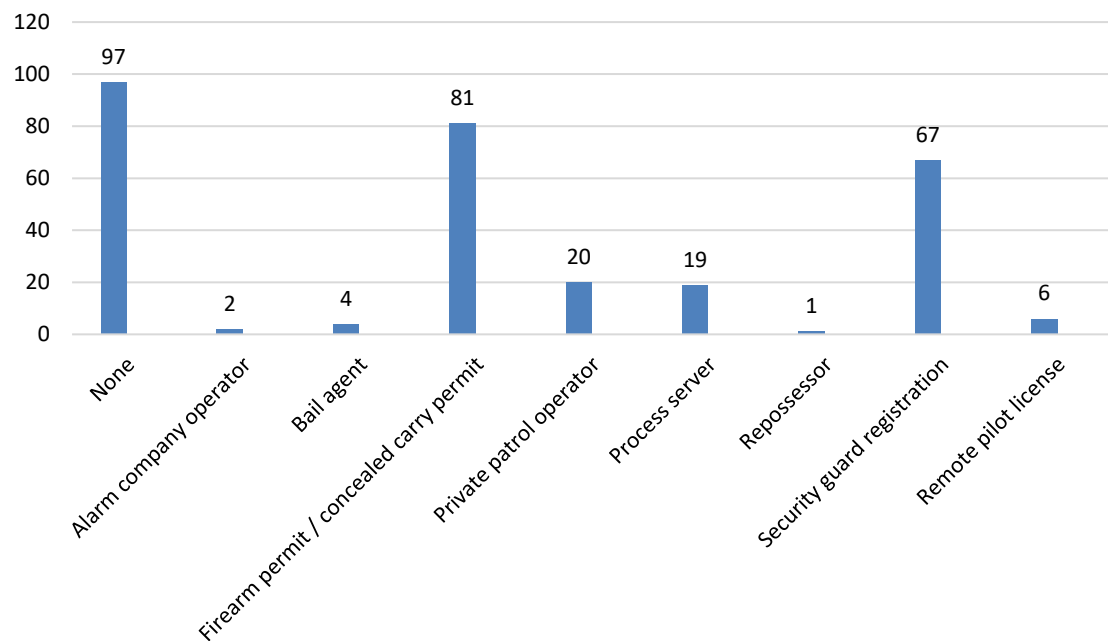


TABLE 5 – HOURS WORKED PER WEEK

HOURS	NUMBER (N)	PERCENT
10 hours or fewer	90	38.1
11–20 hours	41	17.4
21–30 hours	35	14.8
31–40 hours	41	17.4
More than 40 hours	29	12.3
Total	236	100

FIGURE 5 – HOURS WORKED PER WEEK

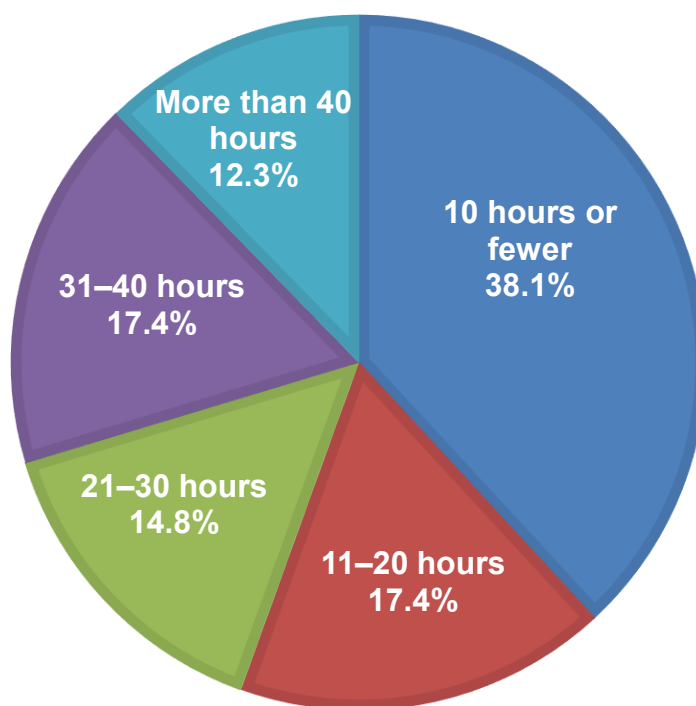


TABLE 6 – PRIVATE INVESTIGATOR LOCATION OF PRIMARY WORK SETTING

TYPE	NUMBER (N)	PERCENT
Other (please specify)	20	8.5
Private business	174	73.7
Corporate	8	3.4
Government	16	6.8
Law firm	14	5.9
Nonprofit	3	1.3
Total	235	100*

*NOTE: Percentages do not add to 100% due to rounding.

FIGURE 6 – PRIVATE INVESTIGATOR LOCATION OF PRIMARY WORK SETTING

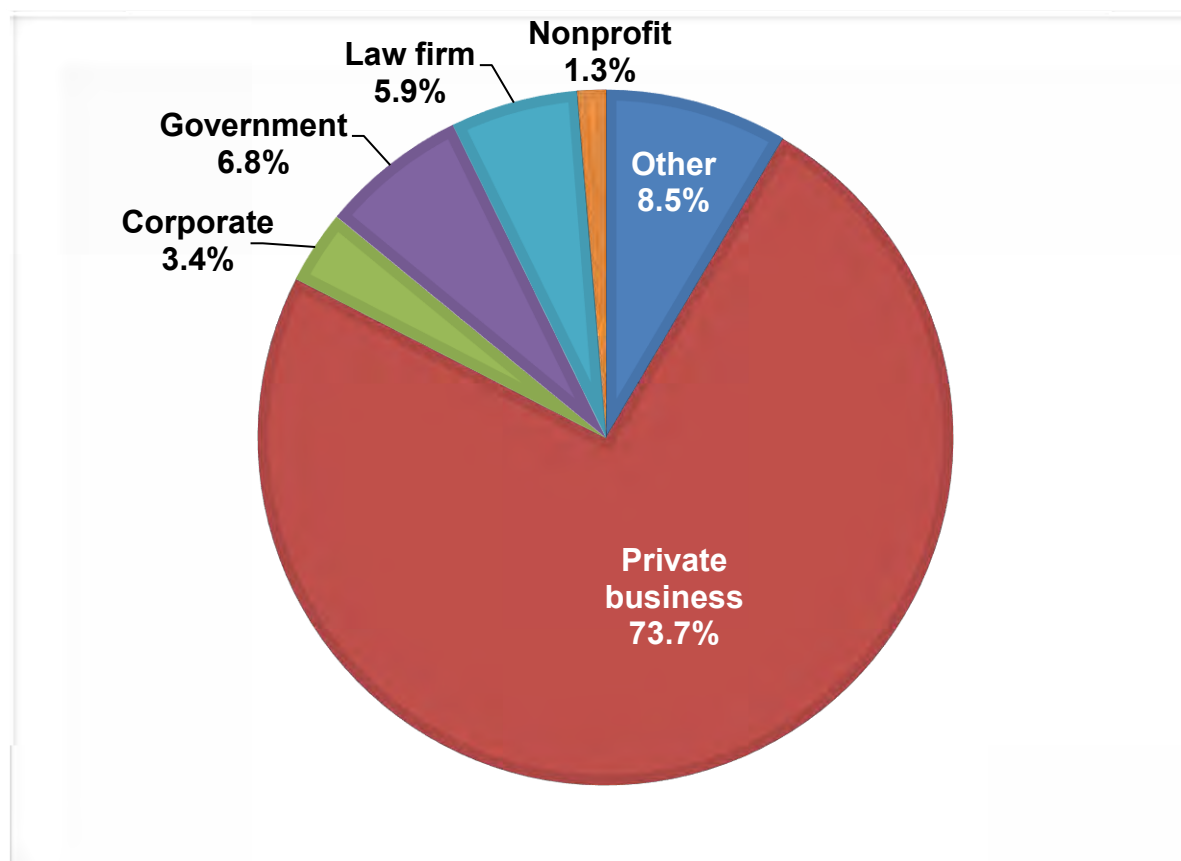


TABLE 7 – MAJORITY OF RESPONSIBILITIES AS A PI

SERVICES	NUMBER (N)	PERCENT
Other (please specify)	6	2.5
Owner/manager	181	76.7
Supervisor	5	2.1
Employee	15	6.4
Subcontractor	28	11.9
Total	235	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 7 – MAJORITY OF RESPONSIBILITIES AS A PI

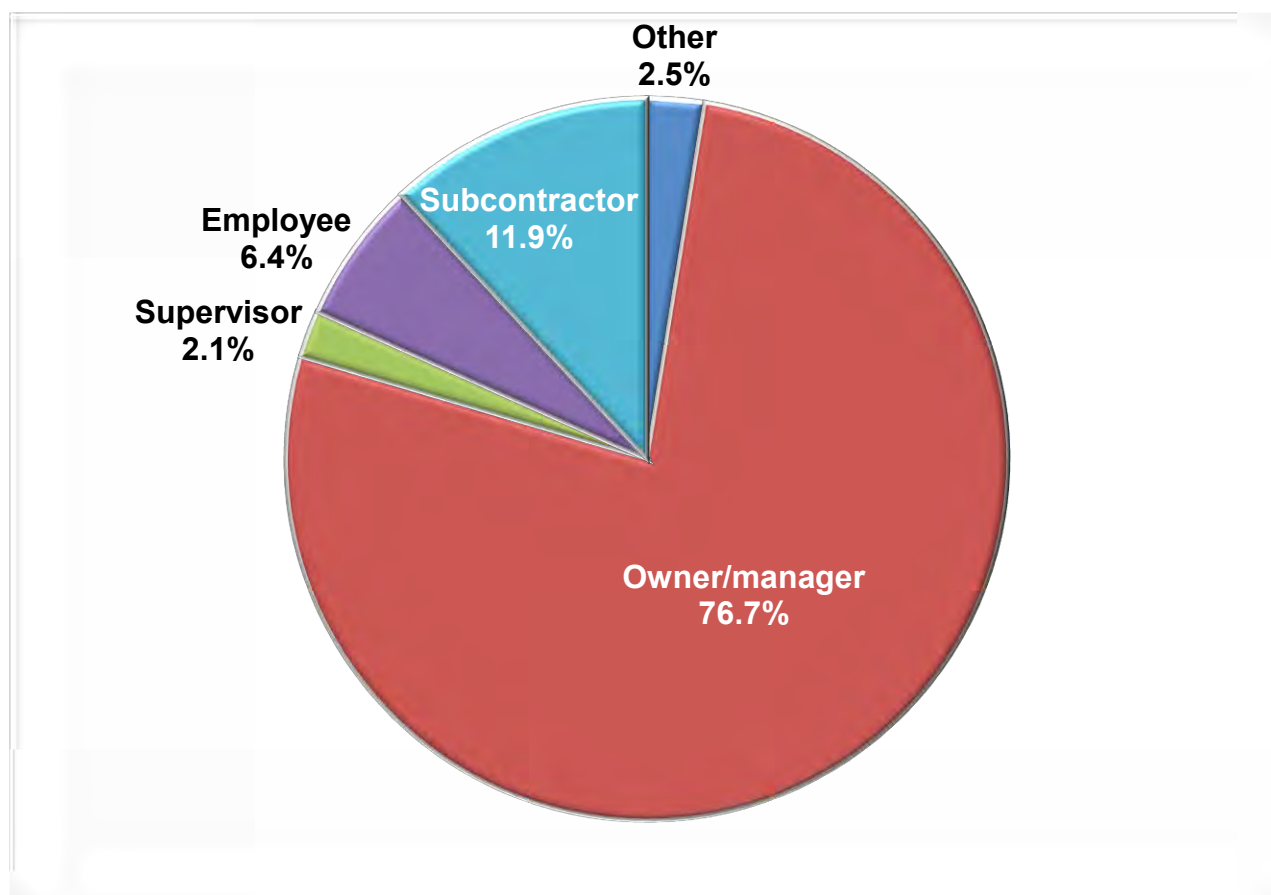


TABLE 8 – NON-INVESTIGATIVE EMPLOYEES IN PI ORGANIZATION

EMPLOYEES	NUMBER (N)	PERCENT
None	200	84.7
1–5 employees	30	12.7
26–100 employees	2	0.8
Over 100 employees	4	1.7
Total	236	100*

*NOTE: Percentages do not add to 100% due to rounding.

FIGURE 8 – NON-INVESTIGATIVE EMPLOYEES IN PI ORGANIZATION

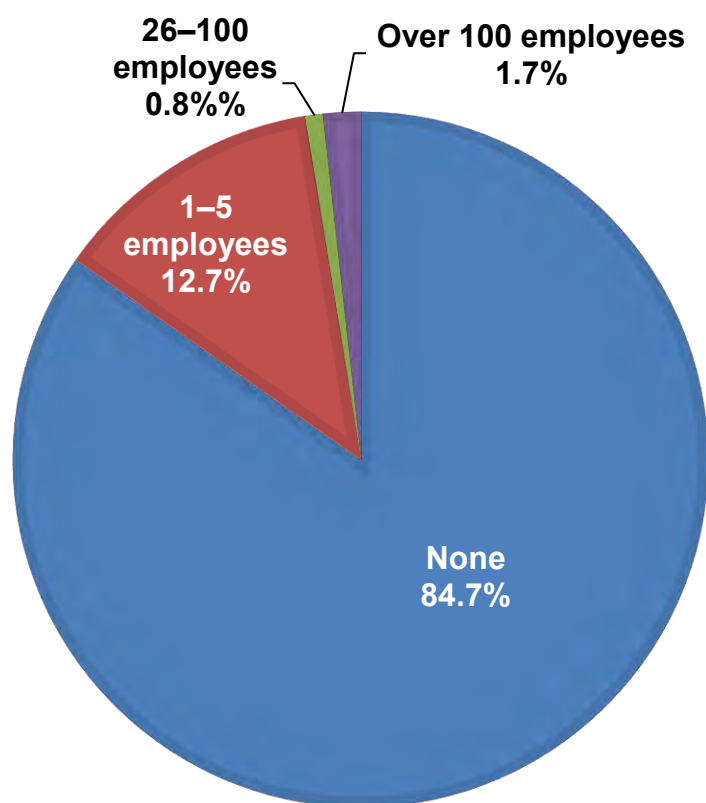


TABLE 9 – INVESTIGATIVE EMPLOYEES IN PI ORGANIZATION

EMPLOYEES	NUMBER (N)	PERCENT
None	187	79.2
1–5 employees	42	17.8
6–10 employees	3	1.3
11–25 employees	1	0.4
26–100 employees	1	0.4
Over 100 employees	1	0.4
Total	235	100*

*NOTE: Percentages do not add to 100% due to rounding.

FIGURE 9 – INVESTIGATIVE EMPLOYEES IN PI ORGANIZATION

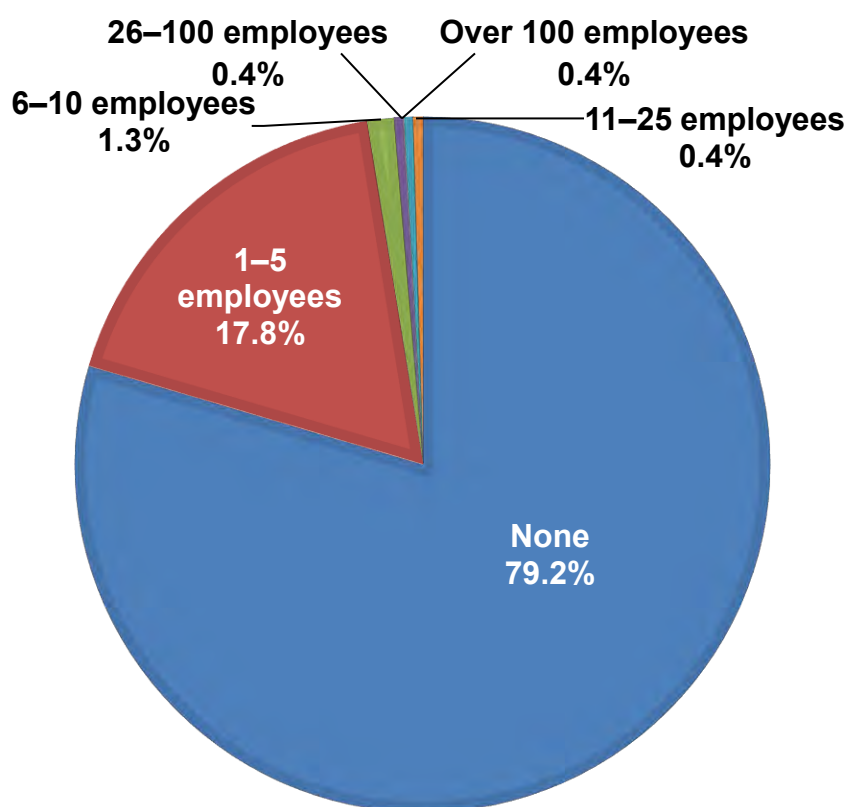


TABLE 10 – PI SPECIALTY SERVICES PROVIDED*

TRAINING TYPE	NUMBER (N)	PERCENT**
Accident/reconstruction	38	16.1
Arson/fire	18	7.6
Asset search/recovery	64	27.1
Background check	166	70.3
Civil litigation	108	45.8
Computer forensics	18	7.6
Criminal defense	83	35.2
Domestic/family law	60	25.4
Due diligence	78	33.1
Executive protection	39	16.5
Expert witness	68	28.8
Financial/fraud	49	20.8
Forensic examiner/analyst	12	5.1
Insurance	55	23.3
Person locate	102	43.2
Process service	88	37.3
Protective intelligence	32	13.6
Surveillance	120	50.8
Threat Assessment	55	23.3
Trial preparation	65	27.5
Unmanned Aerial Vehicles Pilots	8	3.4
Wrongful death/injury	39	16.5
Other (please specify)	36	15.3
Accident/reconstruction	38	16.1
Arson/fire	18	7.6
Asset search/recovery	64	27.1

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

TABLE 11 – LOCATION OF PRIMARY WORK SETTING

LOCATION	NUMBER (N)	PERCENT
Urban (more than 50,000 people)	203	86.0
Rural (fewer than 50,000 people)	31	13.1
Total	234	100*

*NOTE: Percentages do not add to 100 due to rounding.

TABLE 12 – RESPONDENTS BY REGION

REGION NAME	NUMBER (N)	PERCENT
Los Angeles County and Vicinity	86	36.4
San Francisco Bay Area	43	18.2
San Joaquin Valley	17	7.2
Sacramento Valley	22	9.3
San Diego County and Vicinity	16	6.8
Shasta-Cascade	2	0.8
Riverside and Vicinity	22	9.3
Sierra Mountain Valley	7	3.0
North Coast	6	2.5
South Coast and Central Coast	14	5.9
Missing data	1	0.4
Total	236	100*

*NOTE: Percentages do not add to 100% due to rounding.

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CHAPTER 4 | DATA ANALYSIS AND RESULTS

RELIABILITY OF RATINGS

OPES evaluated the task and knowledge ratings obtained from the questionnaire respondents with a standard index of reliability, coefficient alpha (α), which ranges from 0 to 1. Coefficient alpha is an estimate of the internal consistency of the respondents' ratings of the tasks and knowledge statements. A higher coefficient value indicates more consistency between respondent ratings. Coefficients were calculated for all respondent ratings.

Table 13 displays the reliability coefficients for the task statement rating scale in each content area. The overall ratings of task frequency and task importance across content areas were highly reliable (frequency $\alpha = .913$; importance $\alpha = .907$). Table 14 displays the reliability coefficients for the knowledge statement rating scale in each content area. The overall ratings of knowledge importance across content areas were highly reliable ($\alpha = .989$). These results indicate that the responding PI-QMs rated the tasks and knowledge statements consistently throughout the questionnaire.

TABLE 13 – TASK SCALE RELIABILITY*

CONTENT AREA	NUMBER OF TASKS	α FREQUENCY	α IMPORTANCE
1. Managing Private Investigation Business Operations	6	0.71	0.67
2. Managing Private Investigations	17	0.88	0.87
3. Managing Trial Preparation and Court Proceedings	7	0.88	0.90
4. Managing Professional and Ethical Responsibilities	9	0.77	0.58
Overall	39	.913	.907

*Note: Reliability was calculated using all tasks in the questionnaire.

TABLE 14 – KNOWLEDGE SCALE RELIABILITY*

CONTENT AREA	NO. OF KNOWLEDGE STATEMENTS	α IMPORTANCE
1. Managing Private Investigation Business Operations	16	0.92
2. Managing Private Investigations	70	0.98
3. Managing Trial Preparation and Court Proceedings	20	0.98
4. Managing Professional and Ethical Responsibilities	15	0.94
Overall	121	.989

*Note: Reliability was calculated using all knowledge statements in the questionnaire.

TASK CRITICALITY INDICES

To calculate the criticality indices of the task statements, OPES test specialists used the following formula. For each respondent, OPES first multiplied the frequency rating (Fi) and the importance rating (li) for each task. Next, OPES averaged the multiplication products across respondents as shown below:

$$\text{Task criticality index} = \text{mean } [(Fi) \times (li)]$$

The task statements were sorted by descending order of their criticality index and by content area. The task statements included in the survey are presented in Appendix B, along with their mean frequency and importance ratings and their associated criticality indices.

OPES test specialists convened a workshop of seven SMEs in April 2022. The purpose of this workshop was to identify the essential tasks and knowledge required for safe and competent PI-QM practice at the time of licensure. The SMEs reviewed the mean frequency and importance ratings for each task and its criticality index to determine whether to establish a cutoff value below which task statements should be eliminated. Based on their review of the relative importance of tasks to PI-QM practice, the SMEs determined that no cutoff value should be set and that all the task statements should be retained.

KNOWLEDGE IMPORTANCE RATINGS

To determine the importance of each knowledge statement, the mean importance (K Imp) rating for each knowledge statement was calculated. The knowledge statements included in the survey are presented in Appendix C, along with their mean importance ratings, sorted in descending order by content area.

The SMEs participating in the April 2022 workshop also reviewed the knowledge statement mean importance ratings. After reviewing the mean importance ratings and considering their relative importance to PI-QM practice, the SMEs determined that no cutoff value should be set. However, the SMEs determined that knowledge statement 115 should be changed to omit “subject matter” in reference to other expert professionals with whom PIs interact. This statement, with its original wording and the change, is highlighted in Appendix C.

TASK-KNOWLEDGE LINKAGE

The SMEs who participated in the April 2022 workshop reviewed the preliminary assignments of the tasks and knowledge statements to content areas from the January 2022 workshop. They then confirmed the final linkage between tasks and knowledge statements.

Table 16 contains the final tasks and knowledge statements that comprise the California Private Investigator Licensing Examination outline.

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CHAPTER 5 | EXAMINATION OUTLINE

CONTENT AREAS AND WEIGHTS

The SMEs in the April 2022 workshop were also asked to finalize the weights of the content areas that would form the California Private Investigator Licensing Examination outline. OPES test specialists presented the SMEs with preliminary weights of the content areas, which were calculated by dividing the sum of the criticality indices for the tasks in each content area by the overall sum of the criticality indices for all tasks, as shown below.

$$\frac{\text{Sum of Criticality Indices for Tasks in Content Area}}{\text{Sum of Criticality Indices for All Tasks}} = \text{Percent Weight of Content Area}$$

The SMEs evaluated the preliminary content area weights in terms of how well they reflected the relative importance of each content area to entry level PI-QM practice in California. Through discussion, the SMEs determined that adjustments to the preliminary weights were necessary to more accurately reflect the relative importance of each area to PI-QM practice. The weights for content areas “Managing Private Investigation Business Operations,” “Managing Private Investigations,” and “Managing Trial Preparation and Court Proceedings” were increased, while the weight for the content area “Managing Professional and Ethical Responsibilities” was decreased. A summary of the preliminary and final content area weights is presented in Table 15.

TABLE 15 – CONTENT AREA WEIGHTS

CONTENT AREA	PRELIMINARY WEIGHTS	FINAL WEIGHTS
1. Managing Private Investigation Business Operations	13.7%	15%
2. Managing Private Investigations	47.4%	55%
3. Managing Trial Preparation and Court Proceedings	9.6%	10%
4. Managing Professional and Ethical Responsibilities	29.3%	20%
Total	100%	100%

The SMEs reviewed the content areas and wrote descriptions for each content area. They organized the tasks and knowledge statements into subareas within each content area and distributed the content area weight across the subareas. The content areas, subareas, and associated weights were then finalized and provide the basis of the California Private Investigator Licensing Examination outline. The final examination outline is presented in Table 16.

TABLE 16 – EXAMINATION OUTLINE FOR THE CALIFORNIA PRIVATE INVESTIGATOR LICENSING EXAMINATION

Content Area 1. MANAGING PRIVATE INVESTIGATION BUSINESS OPERATIONS (15%)

This area assesses a candidate's knowledge of PI business structures and operations.

Task Statements		Knowledge Statements	
T1.	Manage business practices to comply with legal requirements regarding private investigative operations.	K1.	Knowledge of laws regarding private investigator qualified manager obligations.
		K2.	Knowledge of laws regarding private investigator business entities and structures.
		K3.	Knowledge of laws regarding fictitious business name requirements.
		K4.	Knowledge of laws regarding out-of-state private investigation organizations operating in California.
T2.	Obtain insurance to comply with private investigation liability requirements.	K5.	Knowledge of laws regarding liability coverage for acts of errors or omissions.
		K6.	Knowledge of laws regarding liability coverage for bodily injury, death, or property damage when firearms are carried on duty.
		K7.	Knowledge of laws regarding insurance documentation and submission requirements.
T3.	Develop marketing strategies that comply with advertising and solicitation requirements to promote business.	K8.	Knowledge of laws regarding advertising private investigation services.
		K9.	Knowledge of laws regarding solicitation of clients for private investigation services.
T4.	Maintain records of billable time and expenses to invoice clients for services related to investigations.	K10.	Knowledge of methods for managing billable time records.
		K11.	Knowledge of laws pertaining to fraudulent billing practices.
T5.	Provide employees with wages and other compensation to comply with employer obligations.	K12.	Knowledge of laws regarding employee wages, breaks, and other forms of compensation.
		K13.	Knowledge of laws regarding paid time off and unpaid leave requirements.
		K14.	Knowledge of laws regarding workers' compensation insurance requirements.
T6.	Maintain personnel records to comply with employment and termination documentation requirements.	K15.	Knowledge of laws regarding recordkeeping and retention of employee personnel records.
		K16.	Knowledge of laws regarding confidentiality of employee personnel files.

Content Area 2. MANAGING PRIVATE INVESTIGATIONS (55%)

This area assesses a candidate's knowledge of investigation planning, practices, and documentation standards.

2A. Scope of Engagement and Investigation Planning (10%)

Task Statements	Knowledge Statements
T7. Evaluate client's private investigative objectives to determine scope of services.	K17. Knowledge of laws related to providing private investigation services.
	K18. Knowledge of methods for evaluating investigative needs of potential clients.
	K19. Knowledge of methods for managing client investigative requests that are illegal or unethical.
T8. Evaluate conditions associated with the investigation to identify potential hazards, safety issues, or problems.	K20. Knowledge of types of risks associated with conducting private investigations.
	K21. Knowledge of methods for identifying unexpected issues or events during investigations.
T9. Evaluate parameters of investigation to determine whether subcontracts or other experts are required.	K22. Knowledge of conditions that require involving subcontractors or other experts in investigations.
	K23. Knowledge of laws related to use of subcontractors in investigative services.
T10. Develop an investigation plan to define processes for guiding the investigation to completion.	K24. Knowledge of elements of investigation plans.
	K25. Knowledge of methods for developing investigation plans based on scope of engagement.
	K26. Knowledge of methods for developing time lines for investigation completion.
	K27. Knowledge of methods for approving changes to investigation plans.
T11. Develop contracts with clients to specify details of investigative services.	K28. Knowledge of laws related to contracting with clients for private investigative services.
	K29. Knowledge of methods for developing scope of work and costs contract provisions.
	K30. Knowledge of laws regarding the collection of retainer fees.

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued (55%)

This area assesses a candidate's knowledge of investigation planning, practices, and documentation standards.

2B. Information Gathering and Investigation Processes (35%)

Task Statements	Knowledge Statements
T12. Research data sources to obtain general information related to subject of investigation.	K40. Knowledge of law regarding privacy rights as they relate to private investigations.
	K31. Knowledge of types of information sources used in investigations.
	K32. Knowledge of methods for researching databases, social networking sites, and other resources.
	K33. Knowledge of methods for verifying information related to subject of investigation.
T13. Conduct interviews to gather facts or secure statements related to investigation.	K34. Knowledge of laws regarding recording of investigation interviews.
	K35. Knowledge of laws regarding the use of coercion and duress in interviews.
	K36. Knowledge of laws regarding the use of polygraphs and voice stress analysis in investigative interviews.
	K37. Knowledge of methods for legally conducting investigative interviews.
	K38. Knowledge of methods for obtaining electronically recorded and typed statements.
	K39. Knowledge of techniques for managing defensive or hostile interviewees.
T14. Perform background check or investigation to gather information pertaining to persons or businesses.	K41. Knowledge of laws regarding accessing of arrests, convictions, and criminal background information.
	K42. Knowledge of laws regarding accessing credit and consumer spending information.
	K43. Knowledge of laws regarding accessing driver records and information.
	K44. Knowledge of laws regarding accessing education and employment information.
	K45. Knowledge of laws regarding accessing personal health information.
	K46. Knowledge of laws regarding accessing electronic data, social media, and phone accounts.
	K47. Knowledge of laws regarding performance of pre-employment screenings.
	K48. Knowledge of laws regarding negligent hiring, retention, and supervision.
	K49. Knowledge of laws regarding discrimination and harassment.
	K50. Knowledge of methods for performing legal background checks or investigations.

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued (55%)

This area assesses a candidate's knowledge of investigation planning, practices, and documentation standards.

2B. Information Gathering and Investigation Processes, continued (35%)

Task Statements	Knowledge Statements
T15. Conduct assets searches to locate or recover real or personal property and financial interests.	K51. Knowledge of methods for locating tangible, intangible, and hidden assets.
	K52. Knowledge of laws regarding accessing investment, trust, and account information.
	K53. Knowledge of methods for performing probate and estate discovery.
	K54. Knowledge of laws regarding repossession or recovery of assets and judgments.
	K55. Knowledge of methods for performing legal asset searches and recovery.
T16. Perform due diligence analyses to verify credibility of information or claims related to transactions or agreements.	K56. Knowledge of signs of fraud, economic crimes, or other illegal activity in transactions.
	K57. Knowledge of methods for verifying credibility of businesses or parties associated with transactions.
	K58. Knowledge of methods for identifying sources of risk or exposure associated with transactions.
	K59. Knowledge of methods for conducting legal, financial, and commercial due diligence analyses.
T17. Conduct surveillances to gather information about activities or whereabouts of subject of investigation.	K60. Knowledge of types of equipment for performing surveillance.
	K61. Knowledge of laws regarding privacy rights, harassment, and stalking.
	K62. Knowledge of laws regarding the use of GPS and tracking devices in surveillance.
	K63. Knowledge of laws regarding eavesdropping and use of listening devices in surveillance.
	K64. Knowledge of laws regarding trespassing or physical intrusion during investigations.
	K65. Knowledge of laws regarding photographs, video recordings, and media manipulation or alteration.
	K66. Knowledge of laws regarding pretexting, misrepresentation, and impersonation in gaining information or evidence.
	K67. Knowledge of techniques for legally conducting covert and overt surveillance.
	K68. Knowledge of methods for managing unexpected events during surveillance.
	K69. Knowledge of methods for maintaining surveillance logs.

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued (55%)

This area assesses a candidate’s knowledge of investigation planning, practices, and documentation standards.

2B. Information Gathering and Investigation Processes, continued (35%)

Task Statements		Knowledge Statements	
T18.	Track individuals to locate missing or hard-to-find persons.	K70.	Knowledge of types of resources for finding missing or hard-to-find individuals.
		K71.	Knowledge of methods for performing skip-tracing or locate analyses.
T19.	Evaluate incident scenes to gather factual evidence related to damage, loss, or injury.	K72.	Knowledge of methods for gathering physical or material evidence related to investigations.
		K73.	Knowledge of methods for documenting incidents associated with damage, loss, or injury.
		K74.	Knowledge of requirements related to interacting with law enforcement, insurance agencies, and other parties involved in investigations.

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued (55%)

This area assesses a candidate's knowledge of investigation planning, practices, and documentation standards.

2C. Investigation Analyses, Documentation, and Report of Conclusions (10%)

Task Statements		Knowledge Statements	
T20.	Analyze critical facts to develop conclusions that support or refute investigative claims or objective.	K75.	Knowledge of methods for determining disposition of private investigations.
		K76.	Knowledge of methods for applying deductive and inductive reasoning in analyzing facts of investigation.
T21.	Document evidence to preserve context and details of investigations.	K77.	Knowledge of requirements regarding documentation of investigative field notes and evidence.
		K78.	Knowledge of requirements for securing and preserving information obtained during searches, interviews, and surveillances.
T22.	Write report to describe processes and final results of the investigation.	K79.	Knowledge of the elements of an investigative report.
		K80.	Knowledge of laws regarding disclosure of public and non-public information.
		K81.	Knowledge of laws regarding defamation, slander, and libel.
		K82.	Knowledge of techniques for objective report writing.
T23.	Review investigation findings with clients to clarify processes or conclusions.	K83.	Knowledge of methods for securely distributing reports.
		K84.	Knowledge of methods for conveying information regarding investigations.
		K85.	Knowledge of methods for explaining technical terms and abbreviations.
		K86.	Knowledge of methods for addressing client responses to investigation outcomes.

Content Area 3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS (10%)

This area assesses a candidate's knowledge of PI activities in trial preparation and other civil and criminal court proceedings.

3A. Litigation Support (5%)

Task Statements	Knowledge Statements
T24. Provide litigation support to assist in preparing for trial or court proceedings.	K87. Knowledge of procedures associated with criminal and civil proceedings.
	K88. Knowledge of requirements for establishing facts of private investigations in trial or court proceedings.
	K89. Knowledge of requirements regarding admissibility of evidence in criminal and civil cases.
	K90. Knowledge of methods for providing support in trial or court proceedings.
T25. Prepare materials to introduce evidence or investigative findings in trial or court proceedings.	K91. Knowledge of laws regarding destruction of or tampering with evidence.
	K92. Knowledge of methods for preparing materials for use in trial or court proceedings.
T26. Evaluate witnesses for potential legal testimony to identify strengths and weaknesses related to the case.	K93. Knowledge of laws regarding obstruction of justice.
	K94. Knowledge of laws regarding witness intimidation or tampering.
	K95. Knowledge of methods for preparing witnesses for legal testimony.
T27. Serve legal documents to notify individuals of legal actions.	K96. Knowledge of types of legal documents involved in process serving.
	K97. Knowledge of laws regarding formal notification of legal actions.
	K98. Knowledge of methods for processing and serving legal documents.

Content Area 3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS, continued (10%)

This area assesses a candidate's knowledge of PI activities in trial preparation and other civil and criminal court proceedings.

3B. Participation in Court Proceedings (5%)

Task Statements	Knowledge Statements
T28. Respond to subpoenas and court orders to comply with requirements for providing information or appearing in court.	K99. Knowledge of provisions of the work product rule and its limitations. K100. Knowledge of laws regarding responding to subpoenas and court orders.
T29. Provide testimony to present evidence or findings of investigations during trials or court proceedings.	K101. Knowledge of types of testimony and their legal requirements. K102. Knowledge of provisions of the hearsay rule. K103. Knowledge of provisions of privilege in private investigations and their limitations. K104. Knowledge of methods for providing legal testimony in criminal and civil cases.
T30. Preserve evidence to retain in the event of future litigation or case challenge.	K105. Knowledge of requirements regarding preservation of investigative evidence. K106. Knowledge of methods for maintaining integrity of evidence chain of custody.

Content Area 4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES (20%)

This area assesses a candidate's knowledge of PI professional and ethical responsibilities in investigations.

4A. Professional Responsibilities (8%)

Task Statements	Knowledge Statements
T31. Obtain firearms permit to carry concealed weapon while on private investigation assignments.	K107. Knowledge of laws regarding possession and carrying of firearms during private investigations. K108. Knowledge of standards regarding criminal and civil liability associated with use of force.
T32. Comply with scope of practice parameters to carry out professional activities safely and effectively.	K109. Knowledge of laws regarding private investigator scope of practice.
T33. Adhere to standards regarding professional conduct to avoid violations related to professional qualifications, functions, and duties.	K110. Knowledge of laws regarding professional conduct for private investigators.
T34. Report unlicensed or unregistered private investigation activity to notify BSIS of violations.	K111. Knowledge of types of unlicensed or unregistered activity in private investigations industry. K112. Knowledge of requirements for submitting unlicensed and unregistered activity lead forms.

Content Area 4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES, continued (20%)

This area assesses a candidate's knowledge of PI professional and ethical responsibilities in investigations.

4B. Ethical Responsibilities (12%)

Task Statements	Knowledge Statements
T35. Conduct investigations with honesty and integrity to uphold standards of the profession.	K121. Knowledge of standards for protecting confidentiality of investigation documents and information. K113. Knowledge of ethical principles for conducting private investigations. K114. Knowledge of methods for managing legal and ethical dilemmas that arise in private investigations.
T36. Practice within scope of competence to provide services congruent with education, training, and experience.	K115. Knowledge of situations that require consultation with law enforcement or experts. K116. Knowledge of ethical standards regarding practicing within scope of competence.
T37. Manage personal biases to maintain objectivity during investigations.	K117. Knowledge of ethical principles regarding neutrality and professional objectivity in private investigations.
T38. Recognize conflict of interest to prevent conditions that may impair judgment or impact investigation.	K118. Knowledge of types of personal and economic interests that present a conflict in private investigations. K119. Knowledge of ethical principles regarding acting in the best interest of clients and society.
T39. Maintain confidences within the limits of the law to protect sensitive information involved in investigations.	K120. Knowledge of methods for managing conflicts of interest in private investigations.

CHAPTER 6 | CONCLUSION

The OA of the PI-QM profession described in this report provides a comprehensive description of current PI-QM practice in California. The procedures employed to perform the OA were based on a content validation strategy to ensure that the results accurately represent PI-QM practice. Results of this OA provide information regarding current practice that can be used to develop a valid and legally defensible California Private Investigator Licensing Examination.

Use of the California Private Investigator Licensing Examination outline contained in this report ensures that the Bureau is compliant with Business and Professions Code § 139.

This report provides all documentation necessary to verify that the analysis has been completed in accordance with legal, professional, and technical standards.

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APPENDIX A | RESPONDENTS BY REGION

LOS ANGELES COUNTY AND VICINITY

County of Practice	Frequency
Los Angeles	55
Orange	31
TOTAL	86

NORTH COAST

County of Practice	Frequency
Sonoma	6
TOTAL	6

RIVERSIDE AND VICINITY

County of Practice	Frequency
Riverside	13
San Bernardino	9
TOTAL	22

SACRAMENTO VALLEY

County of Practice	Frequency
Butte	2
Glenn	0
Lake	1
Sacramento	17
Sutter	0
Yolo	1
Yuba	1
TOTAL	22

SAN DIEGO COUNTY AND VICINITY

County of Practice	Frequency
Imperial	1
San Diego	15
TOTAL	16

SAN FRANCISCO BAY AREA

County of Practice	Frequency
Alameda	7
Contra Costa	9
Marin	4
Napa	2
San Francisco	7
San Mateo	4
Santa Clara	6
Santa Cruz	1
Solano	3
TOTAL	43

SAN JOAQUIN VALLEY

County of Practice	Frequency
Fresno	2
Kern	4
Kings	1
Madera	0
Merced	3
San Joaquin	2
Stanislaus	2
Tulare	3
TOTAL	17

SHASTA-CASCADE

County of Practice	Frequency
Plumas	0
Shasta	1
Siskiyou	1
Tehama	0
TOTAL	2

SIERRA MOUNTAIN VALLEY

County of Practice	Frequency
Amador	1
Calaveras	1
El Dorado	0
Nevada	2
Placer	2
Tuolumne	1
TOTAL	7

SOUTH COAST AND CENTRAL COAST

County of Practice	Frequency
Monterey	3
San Benito	0
San Luis Obispo	3
Santa Barbara	2
Ventura	6
TOTAL	14

APPENDIX B | CRITICALITY INDICES FOR ALL TASKS BY CONTENT AREA

Content Area 1. MANAGING PRIVATE INVESTIGATION BUSINESS OPERATIONS

Task Statement	Frequency	Importance	Criticality
4. Maintain records of billable time and expenses to invoice clients for services related to investigations.	3.91	4.33	17.87
1. Manage business practices to comply with legal requirements regarding private investigative operations.	3.28	4.10	14.26
2. Obtain insurance to comply with private investigation liability requirements.	3.14	3.99	13.75
3. Develop marketing strategies that comply with advertising and solicitation requirements to promote business.	1.65	1.99	5.04
6. Maintain personnel records to comply with employment and termination documentation requirements.	0.94	1.58	3.86
5. Provide employees with wages and other compensation to comply with employer obligations.	0.72	1.33	3.10

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Content Area 2. MANAGING PRIVATE INVESTIGATIONS

2A. Scope of Engagement and Investigation Planning

Task Statement	Frequency	Importance	Criticality
7. Evaluate client's private investigative objectives to determine scope of services.	3.76	4.10	16.26
8. Evaluate conditions associated with the investigation to identify potential hazards, safety issues, or problems.	3.55	4.01	15.26
10. Develop an investigation plan to define processes for guiding the investigation to completion.	3.64	3.89	15.14
11. Develop contracts with clients to specify details of investigative services.	3.43	3.80	14.41
9. Evaluate parameters of investigation to determine whether subcontracts or other experts are required.	2.87	3.17	10.64

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued

2B. Information Gathering and Investigation Processes

Task Statement	Frequency	Importance	Criticality
13. Conduct interviews to gather facts or secure statements related to investigation.	3.85	4.23	17.04
12. Research data sources to obtain general information related to subject of investigation.	3.70	3.99	15.52
14. Perform background check or investigation to gather information pertaining to persons or businesses.	3.50	3.90	14.99
16. Perform due diligence analyses to verify credibility of information or claims related to transactions or agreements.	2.53	3.01	9.55
17. Conduct surveillances to gather information about activities or whereabouts of subject of investigation.	2.22	2.80	8.44
18. Track individuals to locate missing or hard-to-find persons.	2.06	2.62	7.42
19. Evaluate incident scenes to gather factual evidence related to damage, loss, or injury.	1.94	2.71	7.32
15. Conduct assets searches to locate or recover real or personal property and financial interests.	1.71	2.18	5.54

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued

2C. Investigation Analyses, Documentation, and Report of Conclusions

Task Statement	Frequency	Importance	Criticality
22. Write report to describe processes and final results of the investigation.	4.18	4.47	19.39
23. Review investigation findings with clients to clarify processes or conclusions.	3.89	4.18	17.08
20. Analyze critical facts to develop conclusions that support or refute investigative claims or objective.	3.69	4.13	16.35
21. Document evidence to preserve context and details of investigations.	3.44	4.01	15.32

Content Area 3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS

3A. Litigation Support

Task Statement	Frequency	Importance	Criticality
26. Evaluate witnesses for potential legal testimony to identify strengths and weaknesses related to the case.	2.00	3.00	7.90
24. Provide litigation support to assist in preparing for trial or court proceedings.	1.93	2.92	7.43
25. Prepare materials to introduce evidence or investigative findings in trial or court proceedings.	1.84	2.99	6.89
27. Serve legal documents to notify individuals of legal actions.	1.74	2.46	6.75

Content Area 3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS, continued

3B. Participation in Court Proceedings

Task Statement	Frequency	Importance	Criticality
30. Preserve evidence to retain in the event of future litigation or case challenge.	2.02	3.27	8.58
29. Provide testimony to present evidence or findings of investigations during trials or court proceedings.	1.45	3.00	5.72
28. Respond to subpoenas and court orders to comply with requirements for providing information or appearing in court.	1.41	2.87	5.55

Content Area 4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES

4A. Professional Responsibilities

Task Statement	Frequency	Importance	Criticality
33. Adhere to standards regarding professional conduct to avoid violations related to professional qualifications, functions, and duties.	4.36	4.66	20.64
32. Comply with scope of practice parameters to carry out professional activities safely and effectively.	3.87	4.31	17.56
31. Obtain firearms permit to carry concealed weapon while on private investigation assignments.	1.60	2.39	7.04
34. Report unlicensed or unregistered private investigation activity to notify BSIS of violations.	1.10	3.51	4.76

Content Area 4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES, continued

4B. Ethical Responsibilities

Task Statement	Frequency	Importance	Criticality
35. Conduct investigations with honesty and integrity to uphold standards of the profession.	4.72	4.90	23.31
36. Practice within scope of competence to provide services congruent with education, training, and experience.	4.50	4.71	21.56
39. Maintain confidences within the limits of the law to protect sensitive information involved in investigations.	4.41	4.80	21.54
37. Manage personal biases to maintain objectivity during investigations.	4.29	4.66	20.49
38. Recognize conflict of interest to prevent conditions that may impair judgment or impact investigation.	3.71	4.50	17.04

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APPENDIX C | KNOWLEDGE IMPORTANCE RATINGS BY CONTENT AREA

Content Area 1. MANAGING PRIVATE INVESTIGATION BUSINESS OPERATIONS

Knowledge Statement		Importance
K1.	Knowledge of laws regarding private investigator qualified manager obligations.	3.61
K2.	Knowledge of laws regarding private investigator business entities and structures.	3.14
K5.	Knowledge of laws regarding liability coverage for acts of errors or omissions.	3.03
K10.	Knowledge of methods for managing billable time records.	2.89
K11.	Knowledge of laws pertaining to fraudulent billing practices.	2.88
K6.	Knowledge of laws regarding liability coverage for bodily injury, death, or property damage when firearms are carried on duty.	2.73
K7.	Knowledge of laws regarding insurance documentation and submission requirements.	2.67
K3.	Knowledge of laws regarding fictitious business name requirements.	2.37
K9.	Knowledge of laws regarding solicitation of clients for private investigation services.	2.34
K4.	Knowledge of laws regarding out-of-state private investigation organizations operating in California.	2.08
K8.	Knowledge of laws regarding advertising private investigation services.	2.07
K16.	Knowledge of laws regarding confidentiality of employee personnel files.	1.86
K15.	Knowledge of laws regarding recordkeeping and retention of employee personnel records.	1.67
K14.	Knowledge of laws regarding workers' compensation insurance requirements.	1.58
K12.	Knowledge of laws regarding employee wages, breaks, and other forms of compensation.	1.55
K13.	Knowledge of laws regarding paid time off and unpaid leave requirements.	1.40

Content Area 2. MANAGING PRIVATE INVESTIGATIONS

2A. Scope of Engagement and Investigation Planning

Knowledge Statement		Importance
K19.	Knowledge of methods for managing client investigative requests that are illegal or unethical.	3.39
K17.	Knowledge of laws related to providing private investigation services.	3.38
K20.	Knowledge of types of risks associated with conducting private investigations.	3.32
K18.	Knowledge of methods for evaluating investigative needs of potential clients.	3.07
K21.	Knowledge of methods for identifying unexpected issues or events during investigations.	3.00
K28.	Knowledge of laws related to contracting with clients for private investigative services.	2.91
K24.	Knowledge of elements of investigation plans.	2.85
K25.	Knowledge of methods for developing investigation plans based on scope of engagement.	2.82
K26.	Knowledge of methods for developing time lines for investigation completion.	2.71
K29.	Knowledge of methods for developing scope of work and costs contract provisions.	2.71
K30.	Knowledge of laws regarding the collection of retainer fees.	2.69
K27.	Knowledge of methods for approving changes to investigation plans.	2.59
K23.	Knowledge of laws related to use of subcontractors in investigative services.	2.51
K22.	Knowledge of conditions that require involving subcontractors or other experts in investigations.	2.48

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued

2B. Information Gathering and Investigation Processes

	Knowledge Statement	Importance
K40.	Knowledge of law regarding privacy rights as they relate to private investigations.	3.33
K33.	Knowledge of methods for verifying information related to subject of investigation.	3.26
K34.	Knowledge of laws regarding recording of investigation interviews.	3.22
K50.	Knowledge of methods for performing legal background checks or investigations.	3.22
K35.	Knowledge of laws regarding the use of coercion and duress in interviews.	3.20
K37.	Knowledge of methods for legally conducting investigative interviews.	3.19
K31.	Knowledge of types of information sources used in investigations.	3.19
K32.	Knowledge of methods for researching databases, social networking sites, and other resources.	3.16
K41.	Knowledge of laws regarding accessing of arrests, convictions, and criminal background information.	3.11
K46.	Knowledge of laws regarding accessing electronic data, social media, and phone accounts.	3.05
K74.	Knowledge of requirements related to interacting with law enforcement, insurance agencies, and other parties involved in investigations.	3.04
K61.	Knowledge of laws regarding privacy rights, harassment, and stalking.	3.04
K64.	Knowledge of laws regarding trespassing or physical intrusion during investigations.	3.01
K38.	Knowledge of methods for obtaining electronically recorded and typed statements.	2.98
K66.	Knowledge of laws regarding pretexting, misrepresentation, and impersonation in gaining information or evidence.	2.96
K65.	Knowledge of laws regarding photographs, video recordings, and media manipulation or alteration.	2.94
K43.	Knowledge of laws regarding accessing driver records and information.	2.94
K44.	Knowledge of laws regarding accessing education and employment information.	2.86
K45.	Knowledge of laws regarding accessing personal health information.	2.85
K42.	Knowledge of laws regarding accessing credit and consumer spending information.	2.79
K62.	Knowledge of laws regarding the use of GPS and tracking devices in surveillance.	2.76
K72.	Knowledge of methods for gathering physical or material evidence related to investigations.	2.75
K49.	Knowledge of laws regarding discrimination and harassment.	2.75
K39.	Knowledge of techniques for managing defensive or hostile interviewees.	2.72
K47.	Knowledge of laws regarding performance of pre-employment screenings.	2.68
K67.	Knowledge of techniques for legally conducting covert and overt surveillance.	2.68
K63.	Knowledge of laws regarding eavesdropping and use of listening devices in surveillance.	2.68
K68.	Knowledge of methods for managing unexpected events during surveillance.	2.57

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued

2B. Information Gathering and Investigation Processes, continued

Knowledge Statement		Importance
K70.	Knowledge of types of resources for finding missing or hard-to-find individuals.	2.50
K56.	Knowledge of signs of fraud, economic crimes, or other illegal activity in transactions.	2.41
K60.	Knowledge of types of equipment for performing surveillance.	2.40
K69.	Knowledge of methods for maintaining surveillance logs.	2.38
K73.	Knowledge of methods for documenting incidents associated with damage, loss, or injury.	2.34
K71.	Knowledge of methods for performing skip-tracing or locate analyses.	2.25
K48.	Knowledge of laws regarding negligent hiring, retention, and supervision.	2.22
K57.	Knowledge of methods for verifying credibility of businesses or parties associated with transactions.	2.18
K51.	Knowledge of methods for locating tangible, intangible, and hidden assets.	2.15
K36.	Knowledge of laws regarding the use of polygraphs and voice stress analysis in investigative interviews.	2.06
K59.	Knowledge of methods for conducting legal, financial, and commercial due diligence analyses.	2.01
K52.	Knowledge of laws regarding accessing investment, trust, and account information.	2.01
K58.	Knowledge of methods for identifying sources of risk or exposure associated with transactions.	1.95
K55.	Knowledge of methods for performing legal asset searches and recovery.	1.94
K53.	Knowledge of methods for performing probate and estate discovery.	1.75
K54.	Knowledge of laws regarding repossession or recovery of assets and judgments.	1.69

Content Area 2. MANAGING PRIVATE INVESTIGATIONS, continued

2C. Investigation Analyses, Documentation, and Report of Conclusions

Knowledge Statement		Importance
K79.	Knowledge of the elements of an investigative report.	3.23
K80.	Knowledge of laws regarding disclosure of public and non-public information.	3.18
K82.	Knowledge of techniques for objective report writing.	3.18
K77.	Knowledge of requirements regarding documentation of investigative field notes and evidence.	3.11
K78.	Knowledge of requirements for securing and preserving information obtained during searches, interviews, and surveillances.	3.09
K76.	Knowledge of methods for applying deductive and inductive reasoning in analyzing facts of investigation.	3.01
K84.	Knowledge of methods for conveying information regarding investigations.	3.01
K83.	Knowledge of methods for securely distributing reports.	2.98
K81.	Knowledge of laws regarding defamation, slander, and libel.	2.93
K75.	Knowledge of methods for determining disposition of private investigations.	2.72
K86.	Knowledge of methods for addressing client responses to investigation outcomes.	2.64
K85.	Knowledge of methods for explaining technical terms and abbreviations.	2.35

Content Area 3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS

3A. Litigation Support

Knowledge Statement		Importance
K91.	Knowledge of laws regarding destruction of or tampering with evidence.	3.78
K93.	Knowledge of laws regarding obstruction of justice.	3.75
K94.	Knowledge of laws regarding witness intimidation or tampering.	3.71
K87.	Knowledge of procedures associated with criminal and civil proceedings.	3.66
K89.	Knowledge of requirements regarding admissibility of evidence in criminal and civil cases.	3.59
K88.	Knowledge of requirements for establishing facts of private investigations in trial or court proceedings.	3.58
K90.	Knowledge of methods for providing support in trial or court proceedings.	3.37
K92.	Knowledge of methods for preparing materials for use in trial or court proceedings.	3.34
K98.	Knowledge of methods for processing and serving legal documents.	3.11
K96.	Knowledge of types of legal documents involved in process serving.	3.10
K95.	Knowledge of methods for preparing witnesses for legal testimony.	3.09
K97.	Knowledge of laws regarding formal notification of legal actions.	3.01

Content Area 3. MANAGING TRIAL PREPARATION AND COURT PROCEEDINGS, continued

3B. Participation in Court Proceedings

Knowledge Statement	Importance
K106. Knowledge of methods for maintaining integrity of evidence chain of	
K105. Knowledge of requirements regarding preservation of investigative evidence.	3.68
K103. Knowledge of provisions of privilege in private investigations and their limitations.	3.65
K99. Knowledge of provisions of the work product rule and its limitations.	3.37
K100. Knowledge of laws regarding responding to subpoenas and court orders.	3.34
K104. Knowledge of methods for providing legal testimony in criminal and civil cases.	3.31
	3.26
K101. Knowledge of types of testimony and their legal requirements.	3.24

Content Area 4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES

4A. Professional Responsibilities

Knowledge Statement		Importance
K110.	Knowledge of laws regarding professional conduct for private investigators.	4.34
K109.	Knowledge of laws regarding private investigator scope of practice.	4.18
K108.	Knowledge of standards regarding criminal and civil liability associated with use of force.	3.88
K111.	Knowledge of types of unlicensed or unregistered activity in private investigations industry.	3.70
K107.	Knowledge of laws regarding possession and carrying of firearms during private investigations.	3.68
K112.	Knowledge of requirements for submitting unlicensed and unregistered activity lead forms.	3.14

**Content Area 4. MANAGING PROFESSIONAL AND ETHICAL RESPONSIBILITIES,
continued**

4B. Ethical Responsibilities

Knowledge Statement	Importance
K121. Knowledge of standards for protecting confidentiality of investigation documents and information.	4.37
K113. Knowledge of ethical principles for conducting private investigations.	4.33
K114. Knowledge of methods for managing legal and ethical dilemmas that arise in private investigations.	4.19
K117. Knowledge of ethical principles regarding neutrality and professional objectivity in private investigations.	4.16
K119. Knowledge of ethical principles regarding acting in the best interest of clients and society.	4.14
K116. Knowledge of ethical standards regarding practicing within scope of competence.	4.13
K120. Knowledge of methods for managing conflicts of interest in private investigations.	3.98
K118. Knowledge of types of personal and economic interests that present a conflict in private investigations.	3.94
K115. Knowledge of situations that require consultation with law enforcement or subject matter experts.	3.94

*Highlighted section was removed based on April 2022 workshop.

APPENDIX D | QUESTIONNAIRE EMAIL INVITATION



Private Investigator Qualified Manager Occupational Analysis

Hello licensed private investigators.

The Bureau of Security and Investigative Services (Bureau) is conducting an occupational analysis (OA) of the private investigator profession in California! The most important part of the OA is a survey of licensed private investigators. The Bureau invites you to complete the survey.

An OA is a comprehensive study of the private investigator profession. With your help, we will gather accurate information about the important tasks currently performed by private investigators in California and the knowledge they need to perform those tasks safely and competently. We will use this information to ensure that candidates for licensure in California are tested fairly on current practice.

We worked with a group of licensed private investigators and the Office of Professional Examination Services (OPES) to develop this survey.

To complete the survey, click on the "Begin Survey" button below. Please complete it by the deadline of **March 7, 2022**.

If you need assistance, please contact [redacted] at [redacted]@dca.ca.gov.

We value your contribution and appreciate your time!

Thank you,

Gloriela Garcia

Gloriela Garcia
Deputy Licensing Chief

APPENDIX E | QUESTIONNAIRE



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

Complete this survey only if you are currently a private investigator qualified manager and are working in California.

BSIS recognizes that every private investigator may not perform all of the tasks and use all of the knowledge contained in this survey. However, your participation is essential to the success of this study, and your contributions will help establish standards for safe and effective private investigator practice in the State of California.

The information you provide here is voluntary and confidential. It will be treated as personal information subject to the Information Practices Act (Civil Code section 1798 et seq.) and will be used only for the purpose of analyzing the data from this survey to generate a demographic profile of qualified managers practicing in California.

*** 1. Are you currently working as a licensed private investigator (PI) in California?**

☐ Yes

☐ No



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

2. How long have you been a PI?

- ☐ Less than a year
- ☐ 1-5 years
- ☐ 6-10 years
- ☐ 11-15 years
- ☐ 16-20 years
- ☐ More than 20 years

3. What is the highest level of education you have achieved?

- ☐ High school diploma / GED
- ☐ Associate degree
- ☐ Bachelor's degree
- ☐ Master's degree
- ☐ Doctorate
- ☐ Other (please specify)

4. What type of investigative work did you perform to qualify for licensure as a private investigator? (select all that apply)

- ☐ Attorney
- ☐ Corporate investigations
- ☐ Corporate loss prevention
- ☐ Employee of a licensed private investigator
- ☐ Insurance/worker's compensation
- ☐ Investigative employee for practicing attorney
- ☐ Investigative journalist
- ☐ Law enforcement
- ☐ Legal services/public defender
- ☐ Military police or investigations
- ☐ Private or proprietary security
- ☐ Risk management related investigations
- ☐ Other (please specify)

5. What other California state-issued licenses or permits do you currently hold? (Check all that apply.)

- ☐ None
- ☐ Alarm company operator
- ☐ Bail Agent
- ☐ Firearm permit/concealed carry permit
- ☐ Private patrol operator
- ☐ Process server
- ☐ Repossessor
- ☐ Security guard registration
- ☐ Remote pilot license
- ☐ Other (please specify)



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

6. How many hours per week do you work as a PI?

- ☐ 10 hours or fewer
- ☐ 11-20 hours
- ☐ 21-30 hours
- ☐ 31-40 hours
- ☐ More than 40 hours

7. How would you describe the location of your primary work setting?

- ☐ Private business
- ☐ Corporate
- ☐ Government
- ☐ Law firm
- ☐ Nonprofit
- ☐ Other (please specify)

8. How would you classify the majority of your responsibilities as a private investigator?

- ☐ Owner/manager
- ☐ Supervisor
- ☐ Employee
- ☐ Subcontractor
- ☐ Other (please specify)

9. How many non-investigative employees do you have?

- ☐ None
- ☐ 1-5 employees
- ☐ 6-10 employees
- ☐ 11-25 employees
- ☐ 26-100 employees
- ☐ Over 100 employees

10. How many investigative employees do you have that assist in private investigations?

- ☐ None
- ☐ 1-5 employees
- ☐ 6-10 employees
- ☐ 11-25 employees
- ☐ 26-100 employees
- ☐ Over 100 employees

11. Which of the following specialty services do you provide in your practice as a private investigator?

- ☐ Accident/reconstruction
- ☐ Arson/fire
- ☐ Asset search/recovery
- ☐ Background check
- ☐ Civil litigation
- ☐ Computer forensics/cyber crime
- ☐ Criminal defense
- ☐ Domestic/family law
- ☐ Due diligence
- ☐ Executive protection
- ☐ Expert witness
- ☐ Financial/fraud
- ☐ Forensic examiner/analyst
- ☐ Insurance
- ☐ Person locate/missing person/skip trace
- ☐ Process service
- ☐ Protective intelligence
- ☐ Surveillance
- ☐ Threat Assessment and Management
- ☐ Trial preparation
- ☐ Unmanned Aerial Vehicles (UAV) Pilots
- ☐ Wrongful death/injury
- ☐ Other (please specify)

12. What is the physical location of your primary work setting?

- ☐ Urban (more than 50,000 people)
- ☐ Rural (fewer than 50,000 people)



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

13. In what California county do you perform the majority of your work?

- | | | |
|------------------------------------|---------------------------------------|-------------------------------------|
| <input type="radio"/> Alameda | <input type="radio"/> Marin | <input type="radio"/> San Mateo |
| <input type="radio"/> Alpine | <input type="radio"/> Mariposa | <input type="radio"/> Santa Barbara |
| <input type="radio"/> Amador | <input type="radio"/> Mendocino | <input type="radio"/> Santa Clara |
| <input type="radio"/> Butte | <input type="radio"/> Merced | <input type="radio"/> Santa Cruz |
| <input type="radio"/> Calaveras | <input type="radio"/> Modoc | <input type="radio"/> Shasta |
| <input type="radio"/> Colusa | <input type="radio"/> Mono | <input type="radio"/> Sierra |
| <input type="radio"/> Contra Costa | <input type="radio"/> Monterey | <input type="radio"/> Siskiyou |
| <input type="radio"/> Del Norte | <input type="radio"/> Napa | <input type="radio"/> Solano |
| <input type="radio"/> El Dorado | <input type="radio"/> Nevada | <input type="radio"/> Sonoma |
| <input type="radio"/> Fresno | <input type="radio"/> Orange | <input type="radio"/> Stanislaus |
| <input type="radio"/> Glenn | <input type="radio"/> Placer | <input type="radio"/> Stutter |
| <input type="radio"/> Humboldt | <input type="radio"/> Plumas | <input type="radio"/> Tehama |
| <input type="radio"/> Imperial | <input type="radio"/> Riverside | <input type="radio"/> Trinity |
| <input type="radio"/> Inyo | <input type="radio"/> Sacramento | <input type="radio"/> Tulare |
| <input type="radio"/> Kern | <input type="radio"/> San Benito | <input type="radio"/> Tuolumne |
| <input type="radio"/> Kings | <input type="radio"/> San Bernardino | <input type="radio"/> Ventura |
| <input type="radio"/> Lake | <input type="radio"/> San Diego | <input type="radio"/> Yolo |
| <input type="radio"/> Lassen | <input type="radio"/> San Francisco | <input type="radio"/> Yuba |
| <input type="radio"/> Los Angeles | <input type="radio"/> San Joaquin | |
| <input type="radio"/> Madera | <input type="radio"/> San Luis Obispo | |



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

INSTRUCTIONS FOR RATING TASK STATEMENTS

In this part of the questionnaire, you will be presented with 39 task statements. Please rate each task as it relates to your current practice as a private investigator qualified manager using the **Frequency** and **Importance** scales displayed below. Your frequency and importance ratings should be separate and independent ratings. Therefore, the ratings you assign using one rating scale should not influence the ratings that you assign using the other rating scale.

If the task is NOT a part of your current practice, rate the task as "0" (zero) frequency and "0" (zero) importance.

The boxes for rating the frequency and importance of each task have drop-down lists. Click on the "down" arrow for each list to see the rating, and then select the value based on your current practice.

FREQUENCY RATING SCALE

HOW OFTEN are these tasks performed in your current practice? Use the following scale to make your ratings.

0 - DOES NOT APPLY. I do not perform this task in my current practice

1 - RARELY. This task is one of the tasks I perform least often in my current practice relative to other tasks I perform.

2 - SELDOM. This task is performed less often than most other tasks I perform in my current practice.

3 - REGULARLY. This task is performed as often as other tasks I perform in my current practice.

4 - OFTEN. This task is performed more often than most other tasks I perform in my current practice.

5 - VERY OFTEN. This task is one of the tasks I perform most often in my current practice relative to other tasks I perform.

IMPORTANCE RATING SCALE

HOW IMPORTANT are these tasks in performance of your current practice? Use the following scale to make your ratings.

0 - NOT IMPORTANT, DOES NOT APPLY TO MY PRACTICE. This task is not important to my current practice. I do not perform this task in my practice.

1 - OF MINOR IMPORTANCE. This task is of minor importance relative to other tasks. It has the lowest priority of all the tasks I perform in my current practice.

2 - FAIRLY IMPORTANT. This task is fairly important relative to other tasks, however, it does not have the priority of most other tasks I perform in my current practice.

3 - MODERATELY IMPORTANT. This task is moderately important for effective performance relative to other tasks; it has average priority of all the tasks I perform in my current practice.

4 - VERY IMPORTANT. This task is very important relative to other tasks; it has a higher degree of priority than most other tasks I perform in my current practice.

5 - CRITICALLY IMPORTANT. This task is one of the most critical tasks I perform relative to other tasks; it has the highest degree of priority of all the tasks I perform in my current practice.



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

14. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 1: Managing Private Investigation Business Operations

	Frequency	Importance
T1. Manage business practices to comply with legal requirements regarding private investigative operations.	<input type="text"/>	<input type="text"/>
T2. Obtain insurance to comply with private investigation liability requirements.	<input type="text"/>	<input type="text"/>
T3. Develop marketing strategies that comply with advertising and solicitation requirements to promote business.	<input type="text"/>	<input type="text"/>
T4. Maintain records of billable time and expenses to invoice clients for services related to investigations.	<input type="text"/>	<input type="text"/>
T5. Provide employees with wages and other compensation to comply with employer obligations.	<input type="text"/>	<input type="text"/>
T6. Maintain personnel records to comply with employment and termination documentation requirements.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

15. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 2: Managing Private Investigations

Scope of Engagement and Investigation Planning

	Frequency	Importance
T7. Evaluate client's private investigative objectives to determine scope of services.	<input type="text"/>	<input type="text"/>
T8. Evaluate conditions associated with the investigation to identify potential hazards, safety issues, or problems.	<input type="text"/>	<input type="text"/>
T9. Evaluate parameters of investigation to determine whether subcontracts or other experts are required.	<input type="text"/>	<input type="text"/>
T10. Develop an investigation plan to define processes for guiding the investigation to completion.	<input type="text"/>	<input type="text"/>
T11. Develop contracts with clients to specify details of investigative services.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

16. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 2: Managing Private Investigations

Information Gathering and Investigation Processes

	Frequency	Importance
T12. Research data sources to obtain general information related to subject of investigation.	<input type="text"/>	<input type="text"/>
T13. Conduct interviews to gather facts or secure statements related to investigation.	<input type="text"/>	<input type="text"/>
T14. Perform background check or investigation to gather information pertaining to persons or businesses.	<input type="text"/>	<input type="text"/>
T15. Conduct assets searches to locate or recover real or personal property and financial interests.	<input type="text"/>	<input type="text"/>
T16. Perform due diligence analyses to verify credibility of information or claims related to transactions or agreements.	<input type="text"/>	<input type="text"/>
T17. Conduct surveillances to gather information about activities or whereabouts of subject of investigation.	<input type="text"/>	<input type="text"/>
T18. Track individuals to locate missing or hard-to-find persons.	<input type="text"/>	<input type="text"/>
T19. Evaluate incident scenes to gather factual evidence related to damage, loss, or injury.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

17. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 2: Managing Private Investigations

Investigation Analyses, Documentation, and Report of Conclusions

	Frequency	Importance
T20. Analyze critical facts to develop conclusions that support or refute investigative claims or objective	<input type="text"/>	<input type="text"/>
T21. Document evidence to preserve context and details of investigations.	<input type="text"/>	<input type="text"/>
T22. Write report to describe processes and final results of the investigation.	<input type="text"/>	<input type="text"/>
T23. Review investigation findings with clients to clarify processes or conclusions.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

18. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 3: Managing Trial Preparation and Court Proceedings

Litigation Support

	Frequency	Importance
T24. Provide litigation support to assist in preparing for trial or court proceedings.	<input type="text"/>	<input type="text"/>
T25. Prepare materials to introduce evidence or investigative findings in trial or court proceedings.	<input type="text"/>	<input type="text"/>
T26. Evaluate witnesses for potential legal testimony to identify strengths and weaknesses related to the case.	<input type="text"/>	<input type="text"/>
T27. Serve legal documents to notify individuals of legal actions.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

19. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 3: Managing Trial Preparation and Court Proceedings

Participation in Court Proceedings

	Frequency	Importance
T28. Respond to subpoenas and court orders to comply with requirements for providing information or appearing in court.	<input type="text"/>	<input type="text"/>
T29. Provide testimony to present evidence or findings of investigations during trials or court proceedings.	<input type="text"/>	<input type="text"/>
T30. Preserve evidence to retain in the event of future litigation or case challenge.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

20. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 4: Managing Professional and Ethical Responsibilities
Professional Responsibilities

	Frequency	Importance
T31. Obtain firearms permit to carry concealed weapon while on private investigation assignments.	<input type="text"/>	<input type="text"/>
T32. Comply with scope of practice parameters to carry out professional activities safely and effectively.	<input type="text"/>	<input type="text"/>
T33. Adhere to standards regarding professional conduct to avoid violations related to professional qualifications, functions, and duties.	<input type="text"/>	<input type="text"/>
T34. Report uncensored or unregistered private investigation activity to notify BSIS of violations.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

21. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 4: Managing Professional and Ethical Responsibilities

Ethical Responsibilities

	Frequency	Importance
T35. Conduct investigations with honesty and integrity to uphold standards of the profession.	<input type="text"/>	<input type="text"/>
T36. Practice within scope of competence to provide services congruent with education, training, and experience.	<input type="text"/>	<input type="text"/>
T37. Manage personal biases to maintain objectivity during investigations.	<input type="text"/>	<input type="text"/>
T38. Recognize conflict of interest to prevent conditions that may impair judgment or impact investigation.	<input type="text"/>	<input type="text"/>
T39. Maintain confidences within the limits of the law to protect sensitive information involved in investigations.	<input type="text"/>	<input type="text"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

INSTRUCTIONS FOR RATING KNOWLEDGE STATEMENTS

In this part of the questionnaire, you will be presented 121 knowledge statements. Please rate each knowledge statement based on how important you believe that knowledge is to the effective performance of tasks in your current practice as a private investigator qualified manager.

If the knowledge does **NOT** apply to your practice, rate the statement as "0" (zero) importance and go on to the next statement.

Please use the following importance scale to rate the knowledge statements:

IMPORTANCE SCALE

HOW IMPORTANT is this knowledge for effective performance of tasks in your current practice?

0 - NOT IMPORTANT; NOT REQUIRED. This knowledge does not apply to my current practice; it is not required for effective performance.

1 - OF MINOR IMPORTANCE. This knowledge is of minor importance for effective performance; it is useful for some relatively minor parts of my current practice.

2 - FAIRLY IMPORTANT. This knowledge is fairly important for effective performance in some relatively major parts of my current practice.

3 - MODERATELY IMPORTANT. This knowledge is moderately important for effective performance in some relatively major parts of my current practice.

4 - VERY IMPORTANT. This knowledge is very important for effective performance of tasks in my current practice.

5 - CRITICALLY IMPORTANT. This knowledge is critically important for effective performance of tasks in my current practice.



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

22. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 1: Managing Private Investigation Business Operations

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K1. Knowledge of laws regarding private investigator qualified manager obligations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K2. Knowledge of laws regarding private investigator business entities and structures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K3. Knowledge of laws regarding fictitious business name requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K4. Knowledge of laws regarding out-of-state private investigation organizations operating in California.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K5. Knowledge of laws regarding liability coverage for acts of errors or omissions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K6. Knowledge of laws regarding liability coverage for bodily injury, death, or property damage when firearms are carried on duty.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K7. Knowledge of laws regarding insurance documentation and submission requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K8. Knowledge of laws regarding advertising private investigation services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

K9. Knowledge of laws regarding solicitation of clients for private investigation services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K10. Knowledge of methods for managing billable time records.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K11. Knowledge of laws pertaining to fraudulent billing practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K12. Knowledge of laws regarding employee wages, breaks, and other forms of compensation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K13. Knowledge of laws regarding paid time off and unpaid leave requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K14. Knowledge of laws regarding workers' compensation insurance requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K15. Knowledge of laws regarding recordkeeping and retention of employee personnel records.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K16. Knowledge of laws regarding confidentiality of employee personnel files.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

23. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 2: Managing Private Investigations

Scope of Engagement and Investigation Planning

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K17. Knowledge of laws related to providing private investigation services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K18. Knowledge of methods for evaluating investigative needs of potential clients.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K19. Knowledge of methods for managing client investigative requests that are illegal or unethical.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K20. Knowledge of types of risks associated with conducting private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K21. Knowledge of methods for identifying unexpected issues or events during investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K22. Knowledge of conditions that require involving subcontractors or other experts in investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K23. Knowledge of laws related to use of subcontractors in investigative services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K24. Knowledge of elements of investigation plans.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K25. Knowledge of methods for	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

developing investigation plans based on scope of engagement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K26. Knowledge of methods for developing time lines for investigation completion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K27. Knowledge of methods for approving changes to investigation plans	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K28. Knowledge of laws related to contracting with clients for private investigative services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K29. Knowledge of methods for developing scope of work and costs contract provisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K30. Knowledge of laws regarding the collection of retainer fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

24. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 2: Managing Private Investigations
Information Gathering and Investigation Processes

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K31. Knowledge of types of information sources used in investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K32. Knowledge of methods for researching databases, social networking sites, and other resources.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K33. Knowledge of methods for verifying information related to subject of investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K34. Knowledge of laws regarding recording of investigation interviews.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K35. Knowledge of laws regarding the use of coercion and duress in interviews.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K36. Knowledge of laws regarding the use of polygraphs and voice stress analysis in investigative interviews.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K37. Knowledge of methods for legally conducting investigative interviews.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K38. Knowledge of methods for obtaining electronically recorded and typed statements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K39. Knowledge of techniques for	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

managing defensive or hostile interviewees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K40. Knowledge of law regarding privacy rights as they relate to private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K41. Knowledge of laws regarding accessing of arrests, convictions, and criminal background information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K42. Knowledge of laws regarding accessing credit and consumer spending information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K43. Knowledge of laws regarding accessing driver records and information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K44. Knowledge of laws regarding accessing education and employment information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K45. Knowledge of laws regarding accessing personal health information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K46. Knowledge of laws regarding accessing electronic data, social media, and phone accounts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K47. Knowledge of laws regarding performance of pre-employment screenings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K48. Knowledge of laws regarding negligent hiring, retention, and supervision.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K49. Knowledge of laws regarding discrimination and harassment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K50. Knowledge of methods for performing legal background checks or investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K51. Knowledge of methods for locating tangible, intangible, and hidden assets.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K52. Knowledge of laws regarding accessing investment, trust, and account information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K53. Knowledge of methods for performing probate and estate discovery.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K54. Knowledge of laws regarding repossession or recovery of assets and judgments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K55. Knowledge of methods for performing legal asset searches and recovery.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

K56. Knowledge of signs of fraud, economic crimes, or other illegal activity in transactions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K57. Knowledge of methods for verifying credibility of businesses or parties associated with transactions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K58. Knowledge of methods for identifying sources of risk or exposure associated with transactions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K59. Knowledge of methods for conducting legal, financial, and commercial due diligence analyses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K60. Knowledge of types of equipment for performing surveillance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K61. Knowledge of laws regarding privacy rights, harassment, and stalking.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K62. Knowledge of laws regarding the use of GPS and tracking devices in surveillance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K63. Knowledge of laws regarding eavesdropping and use of listening devices in surveillance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K64. Knowledge of laws regarding trespassing or physical intrusion during investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K65. Knowledge of laws regarding photographs, video recordings, and media manipulation or alteration.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K66. Knowledge of laws regarding pretexting, misrepresentation, and impersonation in gaining information or evidence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K67. Knowledge of techniques for legally conducting covert and overt surveillance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K68. Knowledge of methods for managing unexpected events during surveillance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K69. Knowledge of methods for maintaining surveillance logs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K70. Knowledge of types of resources for finding missing or hard-to-find individuals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K71. Knowledge of methods for performing skip-tracing or locate analyses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K72. Knowledge of methods for gathering physical or material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

evidence related to investigations.

K73 Knowledge of methods for documenting incidents associated with damage, loss, or injury.

☐☐☐☐☐☐

K74 Knowledge of requirements related to interacting with law enforcement, insurance agencies, and other parties involved in investigations.

☐☐☐☐☐☐

25. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 2: Managing Private Investigations

Investigation Analyses, Documentation, and Report of conclusions

	Not important, not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K75. Knowledge of methods for determining disposition of private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K76. Knowledge of methods for applying deductive and inductive reasoning in analyzing facts of investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K77. Knowledge of requirements regarding documentation of investigative field notes and evidence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K78. Knowledge of requirements for securing and preserving information obtained during searches, interviews, and surveillances.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K79. Knowledge of the elements of an investigative report.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K80. Knowledge of laws regarding disclosure of public and non-public information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K81. Knowledge of laws regarding defamation, slander, and libel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K82. Knowledge of techniques for objective report writing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K83. Knowledge of methods for securely distributing reports.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K84. Knowledge of methods for conveying information regarding investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K85. Knowledge of methods for explaining technical terms and abbreviations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K86. Knowledge of methods for addressing client responses to investigation outcomes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

26. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 3: Managing Trial Preparation and Court Proceedings

Litigation Support

	Not important, not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K87. Knowledge of procedures associated with criminal and civil proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K88. Knowledge of requirements for establishing facts of private investigations in trial or court proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K89. Knowledge of requirements regarding admissibility of evidence in criminal and civil cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K90. Knowledge of methods for providing support in trial or court proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K91. Knowledge of laws regarding destruction of or tampering with evidence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K92. Knowledge of methods for preparing materials for use in trial or court proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K93. Knowledge of laws regarding obstruction of justice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K94. Knowledge of laws regarding witness intimidation or tampering.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K95. Knowledge of methods for preparing witnesses for legal testimony.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K96. Knowledge of types of legal documents involved in process serving.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K97. Knowledge of laws regarding formal notification of legal actions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K98. Knowledge of methods for processing and serving legal documents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

27. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 3: Managing Trial Preparation and Court Proceedings

Participation in Court Proceedings

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K99. Knowledge of provisions of the work product rule and its limitations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K100. Knowledge of laws regarding responding to subpoenas and court orders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K101. Knowledge of types of testimony and their legal requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K102. Knowledge of provisions of the hearsay rule.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K103. Knowledge of provisions of privilege in private investigations and their limitations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K104. Knowledge of methods for providing legal testimony in criminal and civil cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K105. Knowledge of requirements regarding preservation of investigative evidence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K106. Knowledge of methods for maintaining integrity of evidence chain of custody.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

28. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 4: Managing Professional and Ethical Responsibilities

Professional Responsibilities

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K107. Knowledge of laws regarding possession and carrying of firearms during private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K108. Knowledge of standards regarding criminal and civil liability associated with use of force.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K109. Knowledge of laws regarding private investigator scope of practice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K110. Knowledge of laws regarding professional conduct for private investigators.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K111. Knowledge of types of unlicensed or unregistered activity in private investigations industry.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K112. Knowledge of requirements for submitting unlicensed and unregistered activity lead forms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

29. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 4: Managing Professional and Ethical Responsibilities

Ethical Responsibilities

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K113. Knowledge of ethical principles for conducting private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K114. Knowledge of methods for managing legal and ethical dilemmas that arise in private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K115. Knowledge of situations that require consultation with law enforcement or subject matter experts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K116. Knowledge of ethical standards regarding practicing within scope of competence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K117. Knowledge of ethical principles regarding neutrality and professional objectivity in private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K118. Knowledge of types of personal and economic interests that present a conflict in private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K119. Knowledge of ethical principles regarding acting in the best interest of clients and society.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K120. Knowledge of methods for managing conflicts of interest in private investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K121. Knowledge of standards for protecting confidentiality of investigation documents and information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE INVESTIGATOR OCCUPATIONAL ANALYSIS SURVEY

Thank you!

Thank you for taking the time to complete this survey. The Bureau of Security and Investigative Services (BSIS) values your contribution to this study.



OCCUPATIONAL ANALYSIS OF THE PRIVATE PATROL OPERATOR QUALIFIED MANAGER PROFESSION

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

OCCUPATIONAL ANALYSIS OF THE PRIVATE PATROL OPERATOR QUALIFIED MANAGER PROFESSION



September 2021



Brian Knox, M.A., Research Data Analyst II
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This occupational analysis report is mandated by California Business and Professions (B&P) Code § 139 and by DCA Licensure Examination Validation Policy OPES 18-02.

EXECUTIVE SUMMARY

The Bureau of Security and Investigative Services (Bureau) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) of the private patrol operator qualified manager (PPO-QM) profession in California. The purpose of the OA is to define practice in terms of critical tasks that PPO-QMs must be able to perform competently at the time of licensure. The results of this OA provide a description of practice for the PPO-QM profession and provide the basis for developing a valid and legally defensible California Private Patrol Operator Qualified Manager Examination.

OPES test specialists began by researching the profession and conducting telephone interviews with licensed PPO-QMs working in counties throughout California. The purpose of these interviews was to identify the tasks performed by PPO-QMs and to determine the knowledge required to perform those tasks in a safe and competent manner. Using the information gathered from the research and the interviews, OPES test specialists developed a preliminary list of tasks performed by PPO-QMs in their profession, along with statements representing the knowledge needed to perform those tasks.

In October 2020, OPES convened a workshop to review and refine the preliminary lists of tasks and knowledge statements describing PPO-QM practice in California. PPO-QMs participated in the workshops as subject matter experts (SMEs). The SMEs were from diverse backgrounds in the profession (e.g., work setting, geographic location of practice, years licensed). In May 2021, OPES convened a second workshop to review and finalize the lists of tasks and knowledge statements. The SMEs also linked each task with the knowledge required to perform that task and reviewed demographic questions to be used on the OA questionnaire.

After the second workshop, OPES test specialists developed a three-part OA questionnaire to be completed by PPO-QMs statewide. Development of the OA questionnaire included a pilot study that was conducted with a group of PPO-QMs who participated in the October 2020 and May 2021 workshops. The pilot study participants' feedback was incorporated into the final questionnaire, which was administered from July 1, 2021 to August 15, 2021.

In the first part of the OA questionnaire, PPO-QMs were asked to provide demographic information related to their practice and work settings. In the second part, PPO-QMs were asked to rate how often they perform each task in their current practice (Frequency) and how important the task is to effective performance of their current practice (Importance). In the third part, PPO-QMs were asked to rate how important

each knowledge statement is to effective performance of their current practice (Importance).

In June 2021, on behalf of the Bureau, OPES sent an email to 1,486 licensed PPO-QMs, inviting them to complete the online OA questionnaire. The email invitation was sent to PPO-QMs for whom the Bureau had an email address on file.

A total of 420 PPO-QMs, or approximately 28.3% of the PPO-QMs who received an email invitation, responded to the OA questionnaire. The final number of respondents included in the data analysis was 141 (9.5%). This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and working as a PPO-QM in California. Second, OPES excluded questionnaires containing a large portion of incomplete responses.

OPES test specialists then performed data analyses on the task and knowledge ratings obtained from the questionnaire respondents. The task importance and frequency ratings were combined to derive an overall criticality index for each task statement. The mean of importance ratings was used as the criticality index for each knowledge statement.

Once the data were analyzed, OPES conducted an additional workshop with PPO-QMs in August 2021. The SMEs evaluated the criticality indices and determined whether any tasks or knowledge statements should be eliminated. The SMEs in this group also established the final linkage between tasks and knowledge statements, reviewed the task and knowledge statement content areas, and defined those content areas. The SMEs then evaluated the preliminary content area weights and determined the final weights for the new Private Patrol Officer Qualified Manager Examination outline.

The examination outline is structured into three content areas weighted relative to the other content areas. The new outline identifies the tasks and knowledge critical to competent PPO-QM practice in California at the time of license issuance.

The examination outline developed as a result of this OA provides a basis for developing the Private Patrol Operator Qualified Manager Examination.

OVERVIEW OF THE PRIVATE PATROL OPERATOR QUALIFIED MANAGER EXAMINATION OUTLINE

Content Areas and Subareas	Content Area Description	Weight (%)
1. Management of Business Operations	This area assesses the candidate's knowledge of managing business operations and interacting with customers to create contracts to provide PPO security services.	35
1A. Scope of Work and Contracts		15
1B. Business Practices		20
2. Management of Security Personnel	This area assesses the candidate's knowledge of managing security personnel, fulfilling employer obligations to employees, and verifying the training and certifications of current and prospective employees.	35
2A. Employment Obligations		16
2B. Verification of Training and Certificates		19
3. Management of Security Operations	This area assesses the candidate's knowledge of managing security assignments of employees to meet professional obligations and adhere to requirements for reportable incidents that occur during security assignments.	30
3A. Security Assignments and Professional Obligations		20
3B. Incident Management and Reporting Obligations		10
TOTAL		100

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CHAPTER 1 | INTRODUCTION

PURPOSE OF THE OCCUPATIONAL ANALYSIS

The Bureau of Security and Investigative Services (Bureau) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) as part of the Bureau's comprehensive review of the private patrol operator qualified manager (PPO-QM) profession in California. The purpose of the OA is to identify critical activities performed by PPO-QMs in California. The results of this OA provide a description of practice for the PPO-QM profession and a basis for constructing a valid and legally defensible California Private Patrol Operator Qualified Manager Examination.

PARTICIPATION OF SUBJECT MATTER EXPERTS

California PPO-QMs participated as subject matter experts (SMEs) during the OA to ensure that the description of practice directly reflects current PPO-QM practice in California. These SMEs represented the profession in terms of work settings, geographic location of practice, and years of experience. The SMEs provided technical expertise and information regarding different aspects of practice through interviews and workshops. During interviews, the SMEs provided information about the tasks involved in practice and the knowledge required to perform those tasks safely and competently. During workshops, the SMEs developed and reviewed the tasks and knowledge statements describing PPO-QM practice, organized the tasks and knowledge statements into content areas, evaluated the results of the OA, and developed the examination outline.

ADHERENCE TO LEGAL STANDARDS AND GUIDELINES

Licensure, certification, and registration programs in the State of California adhere strictly to federal and state laws and regulations, as well as to professional guidelines and technical standards. For the purposes of OAs, the following laws and guidelines are authoritative:

- California Business and Professions (B&P) Code § 139.
- 29 Code of Federal Regulations Part 1607 – Uniform Guidelines on Employee Selection Procedures (1978).
- California Fair Employment and Housing Act, Government Code § 12944.
- Principles for the Validation and Use of Personnel Selection Procedures (2018), Society for Industrial and Organizational Psychology (SIOP).

- *Standards for Educational and Psychological Testing* (2014), American Educational Research Association, American Psychological Association, and National Council on Measurement in Education.

For a licensure program to meet these standards, it must be solidly based upon the job activities required for practice.

DESCRIPTION OF OCCUPATION

The PPO-QM occupation is described as follows in §§ 7582.1(a) and 7582.22(a) of the B&P Code:

§ 7582.1

(a) A private patrol operator, or operator of a private patrol service, within the meaning of this chapter is a person, other than an armored contract carrier, who, for any consideration whatsoever:

Agrees to furnish, or furnishes, a watchman, guard, patrolperson, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of a watchman, guard, patrolperson, or other person, for any of these purposes.

§ 7582.22

(a) The business of each licensee shall be operated under the active direction, control, charge, or management, in this state, of the licensee, if he or she is qualified, or the person who is qualified to act as the licensee's manager, if the licensee is not qualified.

CHAPTER 2 | OCCUPATIONAL ANALYSIS QUESTIONNAIRE

SUBJECT MATTER EXPERT INTERVIEWS

The Bureau provided OPES with a list of PPO-QMs to contact for telephone interviews. During the semi-structured interviews, seven PPO-QMs were asked to identify the major content areas of practice and the tasks performed in each area. They were also asked to identify the knowledge necessary to perform each task safely and competently.

TASKS AND KNOWLEDGE STATEMENTS

To develop a preliminary list of tasks and knowledge statements, OPES test specialists integrated the information gathered from literature reviews of profession-related sources (e.g., previous OA reports, articles, industry publications, and laws and regulations) and from interviews with SMEs.

In October 2020 and May 2021, OPES test specialists facilitated two workshops to review and refine the tasks and knowledge statements. Ten SMEs from diverse backgrounds (e.g., work setting, geographic location, and years licensed) participated in these workshops. During the first workshop, SMEs evaluated the tasks and knowledge statements for technical accuracy, level of specificity, and comprehensiveness. In addition, SMEs evaluated the organization of task statements within content areas to ensure that the content areas were independent and non-overlapping.

During the second workshop, the SMEs finalized the statements and performed a linkage between the tasks and knowledge statements. The linkage was performed to identify the knowledge required for performance of each task and to verify that each statement of knowledge is important for safe and competent practice as a PPO-QM. Additionally, the linkage ensured that all task statements were linked to at least one knowledge statement and that each knowledge statement was linked to at least one task statement.

During this workshop, SMEs also evaluated the scales that would be used for rating tasks and knowledge statements in an online OA questionnaire to be sent to PPO-QMs statewide. The SMEs also reviewed and revised the proposed demographic questions for the online OA questionnaire.

OPES used the final lists of tasks and knowledge statements, demographic questions, and rating scales to develop the online OA questionnaire.

QUESTIONNAIRE DEVELOPMENT

OPES test specialists developed the online OA questionnaire designed to solicit PPO-QMs' ratings of the tasks and knowledge statements. The surveyed PPO-QMs were instructed to rate how often they perform each task in their current practice (Frequency) and how important each task is to the effective performance of their current practice (Importance). In addition, they were instructed to rate how important each item of knowledge is to the effective performance of their current practice (Importance). The OA questionnaire also included a demographic section to obtain relevant professional background information about responding PPO-QMs. The OA questionnaire can be found in Appendix E.

PILOT STUDY

Before administering the final questionnaire, OPES conducted a pilot study of the online questionnaire. The draft questionnaire was reviewed by the Bureau and then sent to 12 SMEs who had participated in either the interviews or workshops. OPES received feedback on the pilot study from seven respondents. The SMEs reviewed the tasks and knowledge statements in the questionnaire for technical accuracy and for whether they reflected PPO-QM practice. The SMEs also provided the estimated time for completion of the questionnaire, as well as information about online navigation and ease of use. OPES test specialists used this feedback to refine the final questionnaire, which was administered from July 1, 2021 to August 15, 2021.

CHAPTER 3 | RESPONSE RATE AND DEMOGRAPHICS

SAMPLING STRATEGY AND RESPONSE RATE

In June 2021, on behalf of the Bureau, OPES sent an email to a sample of 1,486 PPO-QMs licensed in California for whom the Bureau had an email address on file, inviting them to complete the online OA questionnaire. The email invitation can be found in Appendix D.

A total of 420 PPO-QMs, or approximately 28.3% of the PPO-QMs who received the email invitation, responded to the OA questionnaire. The final number of respondents included in the data analyses was 141 (9.5%). This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and working as a PPO-QM in California. Second, OPES excluded data from questionnaires with a large portion of incomplete responses. The final respondent sample appears to represent the California PPO-QM profession based on the sample's demographic composition.

DEMOGRAPHIC SUMMARY

As shown in Table 1 and Figure 1, the responding PPO-QMs reported a range of years of experience and were distributed across the predefined experience level categories. A majority of the respondents (68.8%) reported they had worked as a PPO-QM for 5 years or less, while 31.2% reported having worked as a PPO-QM for 6 years or longer. When asked about their highest level of education, 27% of respondents reported a high school diploma, 25.5% reported an associate degree, and 24.1% reported a bachelor's degree (Table 2 and Figure 2).

Respondents were then asked about their employment experience before qualifying for a PPO-QM license. As shown in Table 3 and Figure 3, 49.6% reported that they had security guard experience, 27.7% reported law enforcement experience, 13.5% reported military experience, and 8.5% reported proprietary or in-house security experience. When asked about additional California licenses or certifications held, most respondents reported that they held a Private Patrol Operator license (65.2%) and/or an Exposed Firearms Permit (55.3%).

Approximately 14.9% of the respondents reported that they also had a firearms training instructor's license, and 9.2% reported having a baton training instructor's license, while 13.5% reported having no other licenses or permits (Table 4 and Figure 4).

Table 5 and Figure 5 show that most respondents reported that they work more than 40 hours per week as a PPO-QM (48.9%), while 23.4% reported that they work 21–40 hours, and 26.9% reported working 20 hours or fewer per week.

Most respondents described the business structure in which they work as a corporation (59.6%), while 35.5% described it as a sole proprietorship, and 4.3% described it as a partnership (Table 6 and Figure 6).

Respondents were also asked what type of security services are provided by the businesses in which they work. Table 7 and Figure 7 show a breakdown of the responses. Respondents selected all that applied. The majority of respondents reported that their business provided standing guard services (77.3%), armed security services (61.7%), and vehicle patrol (52.5%). Other frequently reported services included event services (57.4%), security consultation (49.5%), and executive protection (48.2%). Most respondents reported that their business employs 25 or fewer part-time employees (85.8%) or full-time employees (83.6%), while 14.1% reported that it employs 26 or more part-time employees, and 14.2% reported 26 or more full-time employees (Tables 8 and 9 and Figures 8 and 9).

Respondents were also asked what type of training is provided in-house in the businesses in which they work. The most common type of training reported was Power to Arrest (53.9%), security guard skills training (53.2%), defense tactics / arrest control (33.3%), and less-lethal weapons training (22%). Approximately 20.6% of respondents reported that the business they work for provides firearms training, 20.6% reported chemical weapons training, and 12.8% reported baton training (Table 10 and Figure 10).

Respondents also reported on the use of outside facilities to provide employee training. Table 11 and Figure 11 show that 43.3% of respondents reported that outside facilities were used to provide Power to Arrest training (43.3%), security guard skills training (42.6%), defensive tactics / arrest control training (33.3%), and less-lethal weapons training (34%). Approximately 48.9% of respondents reported that outside facilities were used to provide firearms training, 42.6% for chemical weapons training, and 50.4% for baton training.

Table 12 and Figure 12 show that most respondents reported that their primary work setting is in an urban area (88.5%). Table 13 shows the location of respondents' primary practice by geographical region. Additional demographic information from respondents can be found in Tables 1–13 and Figures 1–11.

TABLE 1 – YEARS LICENCED AS A PPO-QM

YEARS	NUMBER (N)	PERCENT
Less than a year	17	12.1
1–5 years	80	56.7
6–10 years	19	13.5
11–15 years	8	5.7
16–20 years	13	9.2
More than 20 years	4	2.8
Total	141	100

FIGURE 1 – YEARS LICENSED AS A PPO-QM

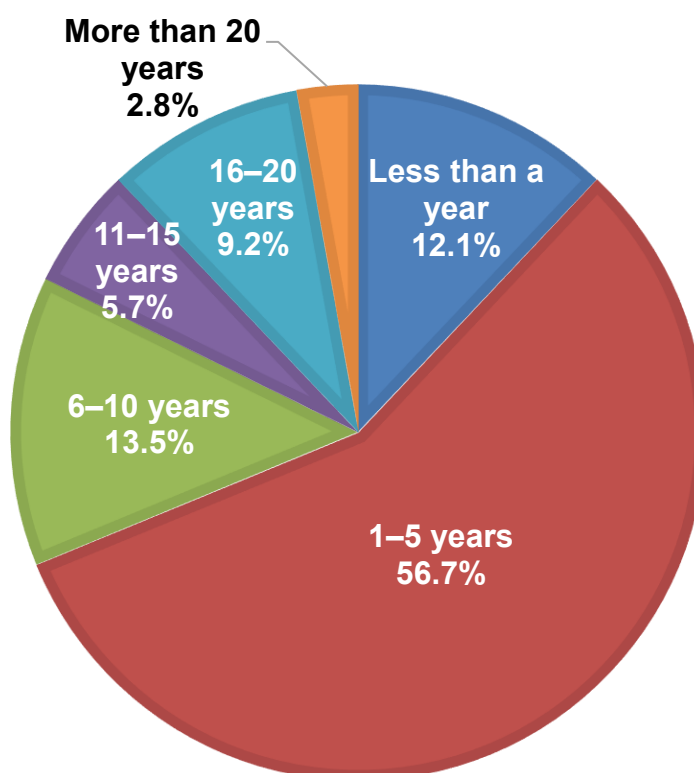


TABLE 2 – HIGHEST LEVEL OF EDUCATION ACHIEVED

DEGREES	NUMBER (N)	PERCENT
High school diploma / GED	38	27.0
Associate degree	36	25.5
Bachelor's degree	34	24.1
Master's degree	17	12.1
Doctorate	4	2.8
Other (please specify)	11	7.8
Total	140	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 2 – HIGHEST LEVEL OF EDUCATION ACHIEVED

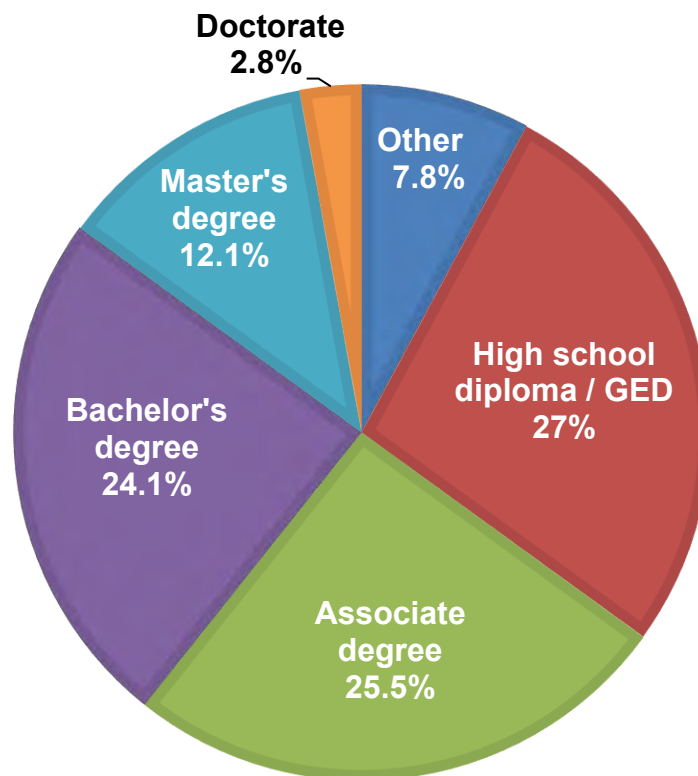


TABLE 3 – WORK EXPERIENCE BEFORE QUALIFYING AS A PPO-QM

TYPE OF WORK	NUMBER (N)	PERCENT
Security guard	70	49.6
Law enforcement	39	27.7
Military	19	13.5
Proprietary or in-house security	12	8.5
Total	140	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 3 – WORK EXPERIENCE BEFORE QUALIFYING AS A PPO-QM

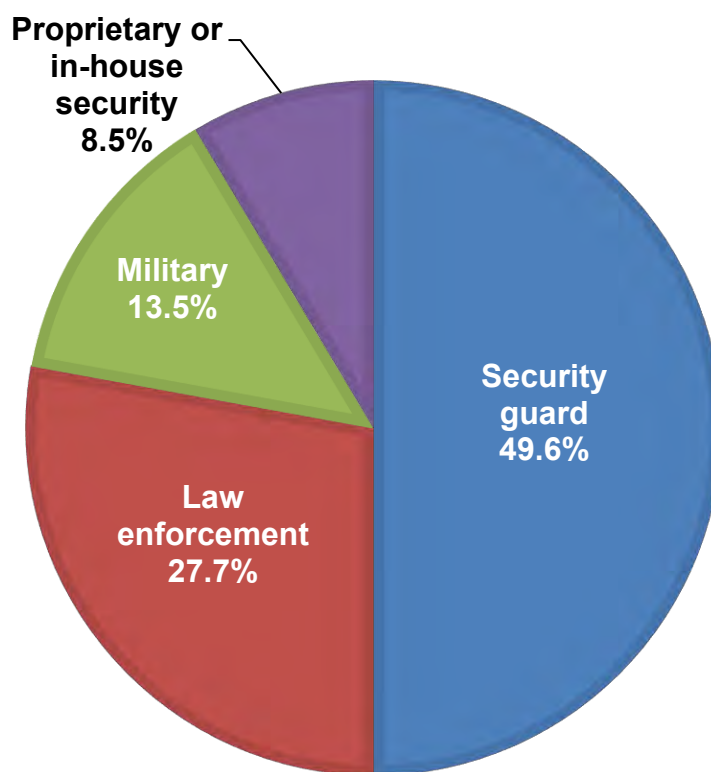


TABLE 4 – OTHER CALIFORNIA LICENSES OR PERMITS HELD*

TYPE	NUMBER (N)	PERCENT**
None	19	13.5
Alarm Company Operator	1	0.7
Private Investigator	12	8.5
Private Patrol Operator	92	65.2
Exposed Firearms Permit	78	55.3
Training Instructor, Baton	13	9.2
Training Instructor, Firearms	21	14.9
Other	33	23.4

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 4 – OTHER CALIFORNIA LICENSES OR PERMITS HELD

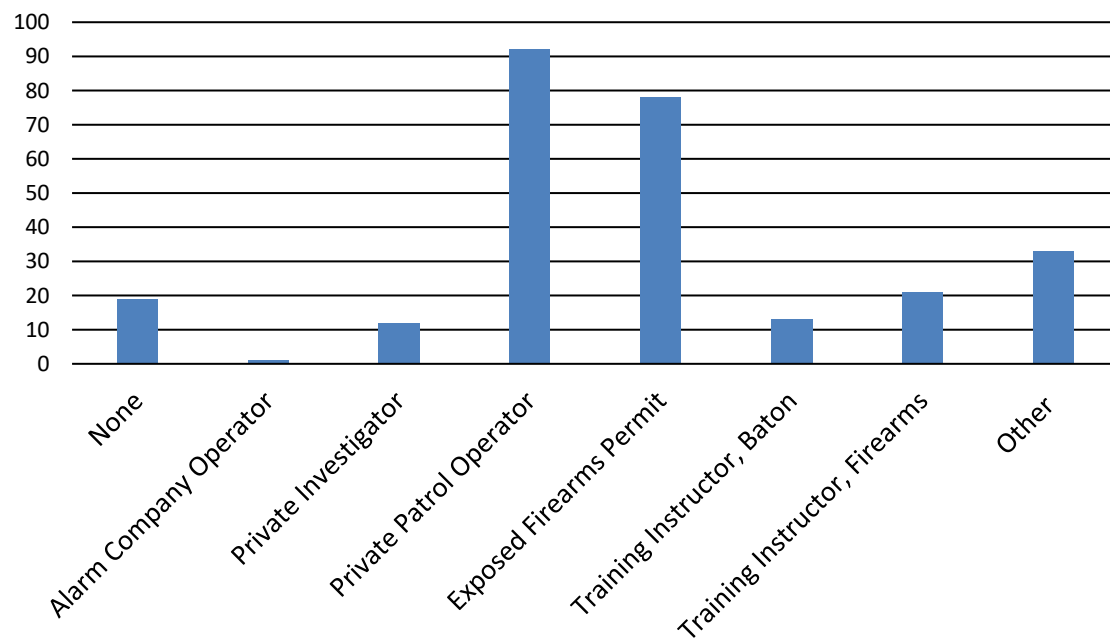


TABLE 5 – HOURS WORKED PER WEEK

HOURS	NUMBER (N)	PERCENT
10 hours or fewer	22	15.6
11–20 hours	16	11.3
21–30 hours	13	9.2
31–40 hours	20	14.2
More than 40 hours	69	48.9
Total	140	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 5 – HOURS WORKED PER WEEK

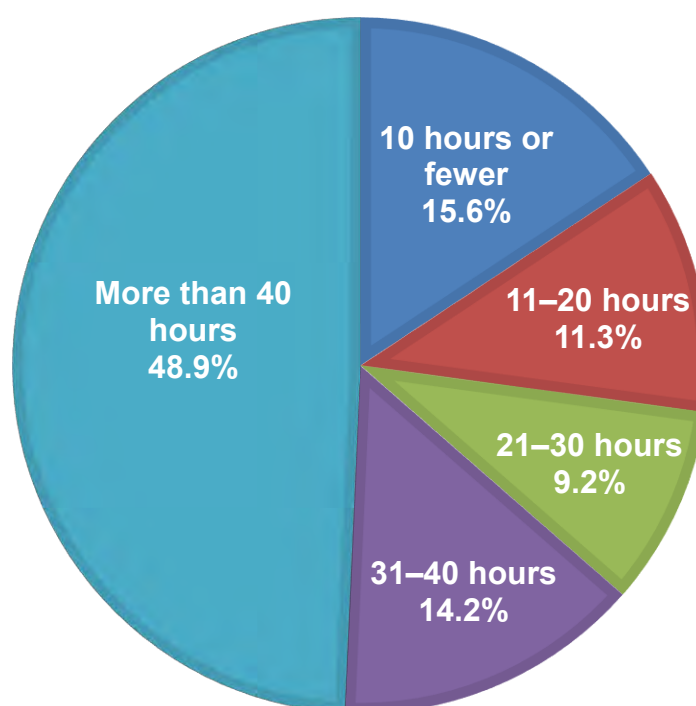


TABLE 6 – PRIVATE PATROL OPERATOR BUSINESS STRUCTURE

TYPE	NUMBER (N)	PERCENT
Corporation	84	59.6
Partnership	6	4.3
Sole proprietorship	50	35.5
Total	140	100*

*NOTE: Percentages do not add to 100% due to rounding.

FIGURE 6 – PRIVATE PATROL OPERATOR BUSINESS STRUCTURE

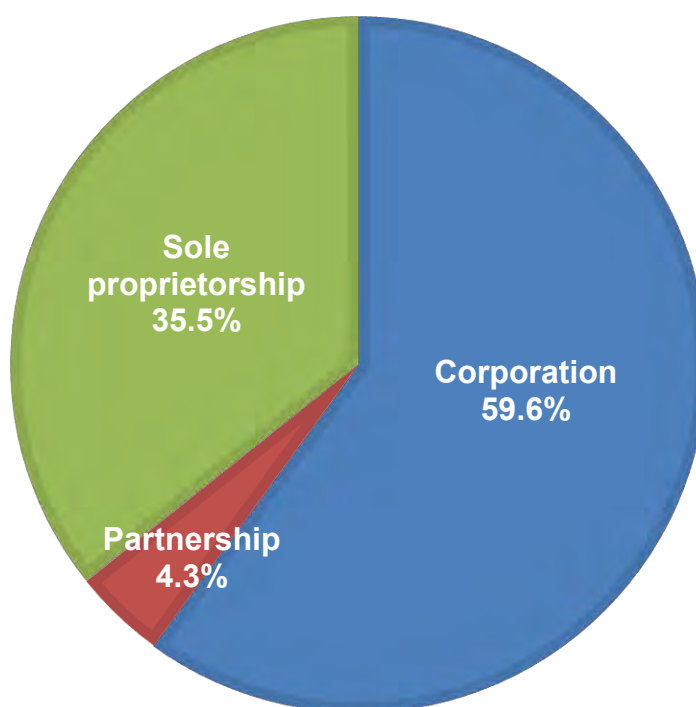


TABLE 7 – SECURITY SERVICES OFFERED*

SERVICES	NUMBER (N)	PERCENT**
Alarm Response	21	14.9
Armed Courier	15	10.6
Armed Security	87	61.7
Events Security	81	57.4
Executive Protection	68	48.2
Loss Prevention	34	24.1
Security Consultant	70	49.5
Standing Guard	109	77.3
Vehicle patrol	74	52.5
Video Surveillance Monitoring	33	23.4
Other (please specify)	5	3.5

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 7 –SECURITY SERVICES OFFERED

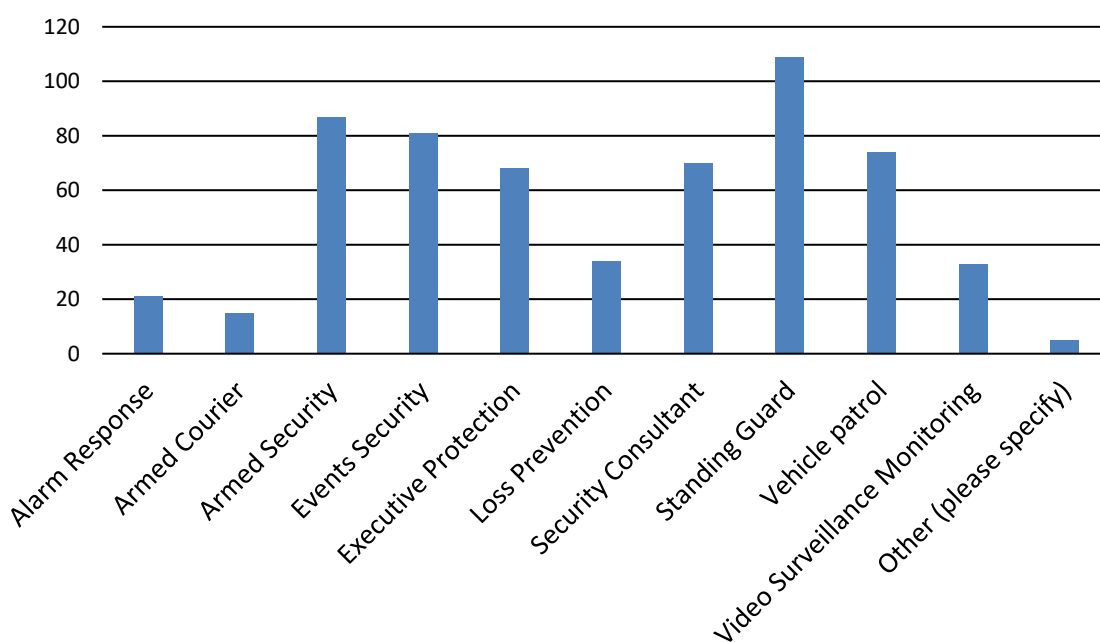


TABLE 8 – PART-TIME EMPLOYEES IN PPO ORGANIZATION

EMPLOYEES	NUMBER (N)	PERCENT
None	19	13.5
1–25 employees	102	72.3
26–50 employees	12	8.5
51–75 employees	2	1.4
76–100 employees	4	2.8
101–300 employees	2	1.4
Total	141	100*

*NOTE: Percentages do not add to 100% due to rounding.

FIGURE 8 – PART-TIME EMPLOYEES IN PPO ORGANIZATION

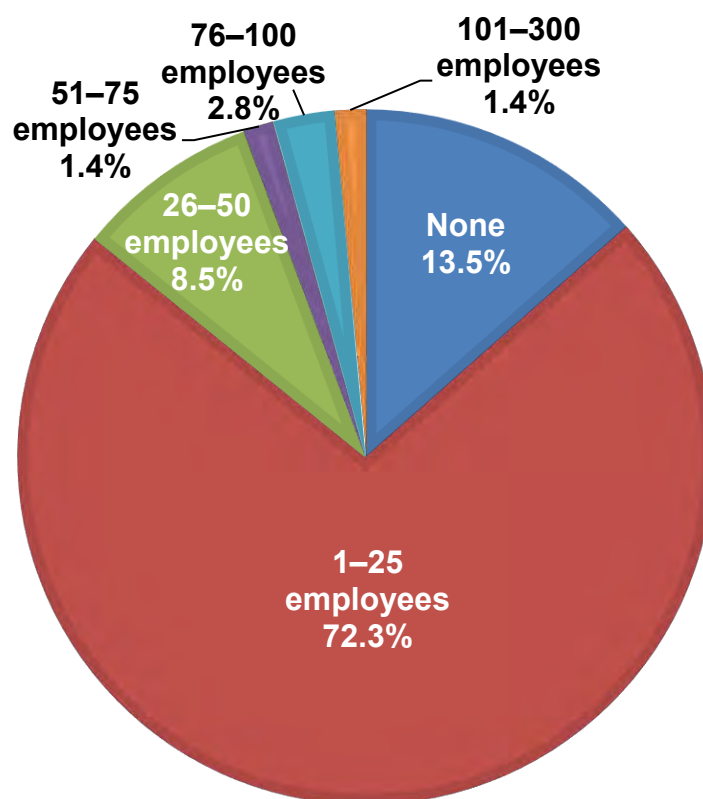


TABLE 9 – FULL-TIME EMPLOYEES IN PPO ORGINIZATION

EMPLOYEES	NUMBER (N)	PERCENT
None	27	19.1
1–25 employees	91	64.5
26–50 employees	7	5.0
51–75 employees	3	2.1
76–100 employees	6	4.3
101–300 employees	3	2.1
Over 300 employees	1	0.7
Total	138	100*

*NOTE: Percentages do not add to 100% due to rounding.

FIGURE 9 – FULL-TIME EMPLOYEES IN PPO ORGANIZATION

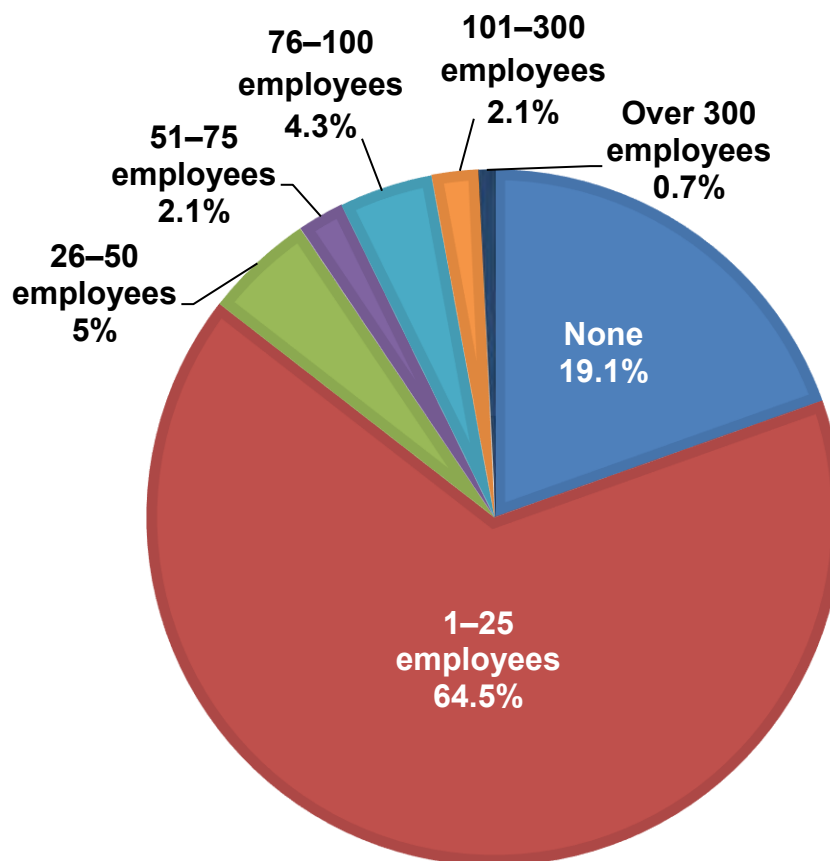


TABLE 10 – TYPES OF TRAINING PROVIDED IN-HOUSE*

TRAINING TYPE	NUMBER (N)	PERCENT**
None	40	28.4
Baton training	18	12.8
Chemical weapons training	29	20.6
Defensive tactics / Arrest control	47	33.3
Firearms training	29	20.6
Less-lethal weapons training	31	22.0
Power to arrest / WMD	76	53.9
Security guard skills training (AB 2880)	75	53.2
Vehicle patrol	74	52.5
Video surveillance monitoring	32	22.7

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 10 – TYPES OF TRAINING PROVIDED IN-HOUSE

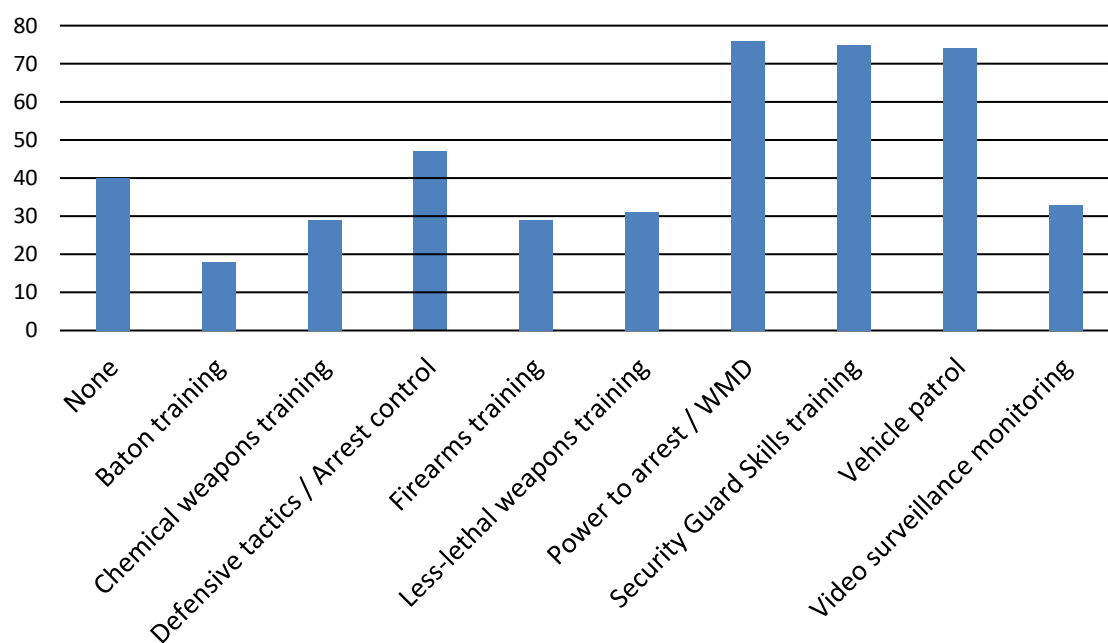


TABLE 11 – TYPES OF TRAINING ACQUIRED FROM OUTSIDE FACILITIES*

TRAINING TYPE	NUMBER (N)	PERCENT**
None	34	24.1
Baton Training	71	50.4
Chemical weapons training	60	42.6
Defensive tactics / Arrest control	47	33.3
Firearms training	69	48.9
Less-lethal weapons training	48	34.0
Power to arrest / WMD	61	43.3
Security guard skills training (AB 2880)	60	42.6
Vehicle patrol	73	51.8
Video surveillance monitoring	33	23.4

*NOTE: Respondents were asked to select all that apply.

**NOTE: Percentages indicate the proportion in the sample of respondents.

FIGURE 11 – TYPES OF TRAINING ACQUIRED FROM OUTSIDE FACILITIES

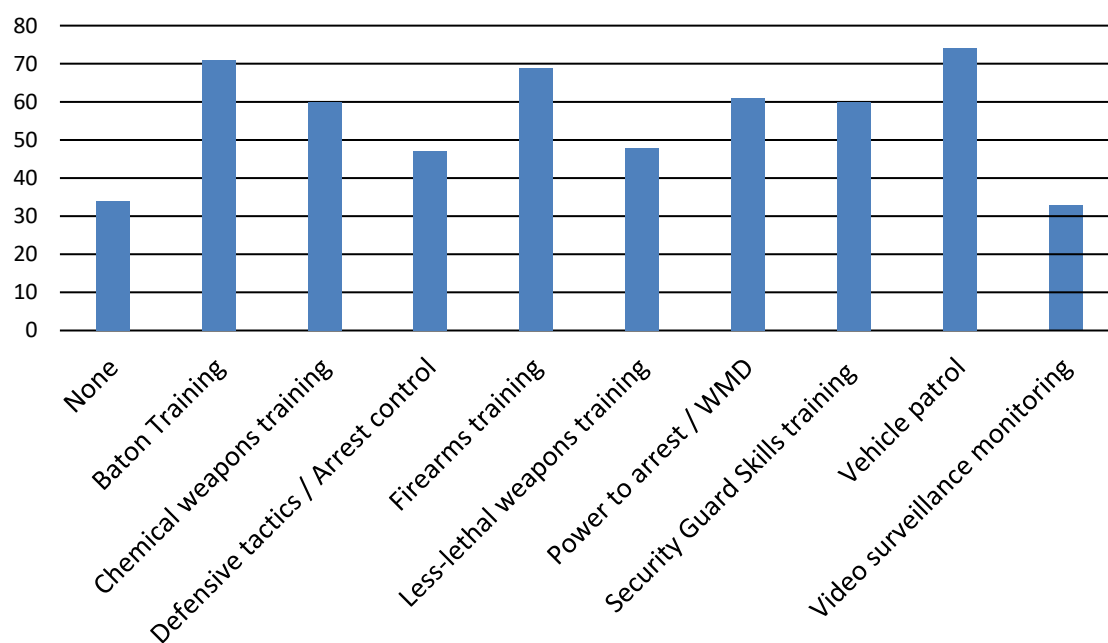


TABLE 12 – LOCATION OF PRIMARY WORK SETTING

LOCATION	NUMBER (N)	PERCENT
Urban (More than 50,000 people)	123	88.5
Rural (Fewer than 50,000 people)	16	11.5
Total	139	100

TABLE 13 – RESPONDENTS BY REGION

REGION NAME	NUMBER (N)	PERCENT
Los Angeles County and Vicinity	64	45.4
San Francisco Bay Area	23	17.0
San Joaquin Valley	10	7.1
Sacramento Valley	4	2.8
San Diego County and Vicinity	10	7.1
Shasta-Cascade	1	0.7
Riverside and Vicinity	13	9.2
Sierra Mountain Valley	3	2.1
North Coast	4	2.8
South Coast and Central Coast	8	5.7
Total	140	100*

*NOTE: Percentages do not add to 100% due to rounding.

CHAPTER 4 | DATA ANALYSIS AND RESULTS

RELIABILITY OF RATINGS

OPES evaluated the task and knowledge ratings obtained from the questionnaire respondents with a standard index of reliability, coefficient alpha (α), which ranges from 0 to 1. Coefficient alpha is an estimate of the internal consistency of the respondents' ratings of the tasks and knowledge statements. A higher coefficient value indicates more consistency between respondent ratings. Coefficients were calculated for all respondent ratings.

Table 14 displays the reliability coefficients for the task statement rating scale in each content area. The overall ratings of task frequency and task importance across content areas were highly reliable (frequency $\alpha = .947$; importance $\alpha = .939$). Table 15 displays the reliability coefficients for the knowledge statement rating scale in each content area. The overall ratings of knowledge importance across content areas were highly reliable ($\alpha = .989$). These results indicate that the responding PPO-QMs rated the tasks and knowledge statements consistently throughout the questionnaire.

TABLE 14 – TASK SCALE RELIABILITY*

CONTENT AREA	NUMBER OF TASKS	α FREQUENCY	α IMPORTANCE
1. Management of Business Operations	9	.873	.857
2. Management of Security Personnel	10	.909	.848
3. Management of Security Operations	11	.877	.877
Total	30	.947	.939

*Note: Reliability was calculated using all tasks in the questionnaire.

TABLE 15 – KNOWLEDGE SCALE RELIABILITY*

CONTENT AREA	NUMBER OF KNOWLEDGE STATEMENTS	α IMPORTANCE
1. Management of Business Operations	20	.961
2. Management of Security Personnel	36	.979
3. Management of Security Operations	33	.977
Total	89	.989

*Note: Reliability was calculated using all knowledge statements in the questionnaire.

TASK CRITICALITY INDICES

To calculate the criticality indices of the task statements, OPES test specialists used the following formula. For each respondent, OPES first multiplied the frequency rating (Fi) and the importance rating (Ii) for each task. Next, OPES averaged the multiplication products across respondents as shown below:

$$\text{Task criticality index} = \text{mean } [(F_i) \times (I_i)]$$

The task statements were sorted by descending order of their criticality index and by content area. The task statements included in the survey are presented in Appendix B, along with their mean frequency and importance ratings and their associated criticality indices.

OPES convened a workshop of seven SMEs in August 2021. The purpose of this workshop was to identify the essential tasks and knowledge required for safe and competent PPO-QM practice at the time of licensure. The SMEs reviewed the mean frequency and importance ratings for each task and its criticality index to determine whether to establish a cutoff value below which task statements should be eliminated. Based on their review of the relative importance of tasks to PPO-QM practice, the SMEs determined that no cutoff value should be set and that all the task statements should be retained.

KNOWLEDGE IMPORTANCE RATINGS

To determine the importance of each knowledge statement, the mean importance (K Imp) rating for each knowledge statement was calculated. The knowledge statements included in the survey are presented in Appendix C, along with their mean importance ratings, sorted by content area.

The SMEs participating in the August 2021 workshop also reviewed the knowledge statement mean importance ratings. After reviewing the mean importance ratings and considering their relative importance to PPO-QM practice, the SMEs determined that no cutoff value should be set. However, the SMEs determined that the knowledge statement K26 was no longer applicable to practice. Therefore, K26 was removed from the examination outline. The SMEs added the word “verifying” to K53 to clarify the PPO-QM’s role of verifying registrations and certifications, and K64 was changed to omit “Cal” to incorporate both California and national OSHA standards. These statements, with their original wording and changes, are highlighted in Appendix C.

TASK-KNOWLEDGE LINKAGE

The SMEs who participated in the August 2021 workshop reviewed the preliminary assignments of the tasks and knowledge statements to content areas from the May 2021 workshop. They then confirmed the final linkage between tasks and knowledge statements.

Table 17 contains the final tasks and knowledge statements that comprise the Private Patrol Operator Qualified Manager Examination outline.

CHAPTER 5 | EXAMINATION OUTLINE

CONTENT AREAS AND WEIGHTS

The SMEs in the August 2021 workshop were also asked to finalize the weights of the content areas that would form the Private Patrol Operator Qualified Manager Examination outline. OPES test specialists presented the SMEs with preliminary weights of the content areas, which were calculated by dividing the sum of the criticality indices for the tasks in each content area by the overall sum of the criticality indices for all tasks, as shown below.

$$\frac{\text{Sum of Criticality Indices for Tasks in Content Area}}{\text{Sum of Criticality Indices for All Tasks}} = \text{Percent Weight of Content Area}$$

The SMEs evaluated the preliminary content area weights in terms of how well they reflected the relative importance of each content area to entry level PPO-QM practice in California. Through discussion, the SMEs determined that adjustments to the preliminary weights were necessary to more accurately reflect the relative importance of each area to PPO-QM practice. The weight for content area “Management of Business Operations” was increased, while the weights for content areas “Management of Security Personnel” and “Management of Security Operations” were decreased. A summary of the preliminary and final content area weights is presented in Table 16.

TABLE 16 – CONTENT AREA WEIGHTS

CONTENT AREA	Preliminary Weights	Final Weights
1. Management of Business Operations	30%	35%
2. Management of Security Personnel	36%	35%
3. Management of Security Operations	34%	30%
Total	100%	100%

The SMEs reviewed the content areas and wrote descriptions for each content area. They organized the tasks and knowledge statements into subareas within each content area and distributed the content area weight across the subareas. The content areas, subareas, and associated weights were then finalized and provide the basis of the Private Patrol Operator Qualified Manager Examination outline. The final examination outline is presented in Table 17.

TABLE 17 – EXAMINATION OUTLINE FOR THE PRIVATE PATROL OPERATOR QUALIFIED MANAGER EXAMINATION

1. MANAGEMENT OF BUSINESS OPERATIONS (35%): This area assesses the candidate's knowledge of managing business operations and interacting with customers to create contracts to provide PPO security services.

Section	Task Statements	Knowledge Statements
1A. Scope of Work and Contracts (15%)	T1. Assess client security needs to determine scope of work.	K1. Knowledge of laws related to providing private security services.
		K2. Knowledge of methods for evaluating security needs of potential clients.
		K3. Knowledge of criteria for providing executive protection, standing guard, or vehicle patrol service.
		K4. Knowledge of requirements for using active law enforcement as personnel in private security assignments.
	T2. Prepare breakdown of costs to provide clients with estimate of fees for security services.	K5. Knowledge of laws related to providing cost estimates for proposed security services.
	T3. Develop contracts to specify details of security services.	K6. Knowledge of methods for developing budgets for proposed security services.
		K7. Knowledge of laws related to contracting with clients for private security services.
	T4. Evaluate parameters of security services contract to determine whether subcontracts can be used.	K8. Knowledge of methods for developing scope of work and costs contract provisions.
		K9. Knowledge of laws related to use of subcontractors in security details.

1. MANAGEMENT OF BUSINESS OPERATIONS (35%), continued: This area assesses the candidate's knowledge of managing business operations and interacting with customers to create contracts to provide PPO security services.

Section	Task Statements	Knowledge Statements
1B. Business Practices (20%)	T5. Manage business practices to comply with requirements regarding PPO organization operations.	K10. Knowledge of laws regarding PPO qualified manager obligations.
		K11. Knowledge of laws regarding PPO business entities and structures.
		K12. Knowledge of laws regarding fictitious business name requirements.
		K13. Knowledge of laws regarding out-of-state security organizations operating in California.
	T6. Obtain insurance to comply with liability requirements for injury, death, or property damage.	K14. Knowledge of laws regarding general liability insurance coverage requirements for private security services.
		K15. Knowledge of laws regarding insurance documentation and submission requirements.
	T7. Oversee development of marketing materials to ensure conformance with advertisement requirements.	K16. Knowledge of laws regarding advertising or soliciting security business services.
	T8. Maintain security contract records to comply with record-keeping best practices.	K17. Knowledge of laws regarding record-keeping of private security services provided.
		K18. Knowledge of requirements regarding potential BSIS records audits.
	T9. Confirm billable time records to invoice clients for security services.	K19. Knowledge of methods for managing billable time records.
		K20. Knowledge of laws pertaining to fraudulent billing practices.

2. MANAGEMENT OF SECURITY PERSONNEL (35%): This area assesses the candidate's knowledge of managing security personnel, fulfilling employer obligations to employees, and verifying the training and certifications of current and prospective employees.

Section	Task Statements		Knowledge Statements	
2A. Employment Obligations (16%)	T10.	Screen applicants to verify qualifications of security guards or security patrolpersons.	K21.	Knowledge of laws regarding interviewing security guards and patrolpersons.
			K22.	Knowledge of laws regarding security personnel training and qualification requirements.
			K23.	Knowledge of laws prohibiting discriminatory hiring practices.
			K24.	Knowledge of methods for verifying licenses, permits, and credentials of potential security personnel.
	T11.	Perform applicant background checks to identify convictions or pending charges that would prohibit applicant from working as a security guard or patrolperson.	K25.	Knowledge of laws regarding criminal offenses and private security employment.
			K27.	Knowledge of methods for conducting background checks of potential security personnel.
			K28.	Knowledge of methods for identifying fraudulent documentation.
			K29.	Knowledge of requirements for notifying BSIS of fraudulent information or documentation.
	T12.	Provide payment to security guards and patrolpersons to compensate services rendered.	K30.	Knowledge of laws regarding employee wages, breaks, and other forms of compensation.
			K31.	Knowledge of laws regarding paid time off and unpaid leave requirements.

2. MANAGEMENT OF SECURITY PERSONNEL (35%), continued: This area assesses the candidate’s knowledge of managing security personnel, fulfilling employer obligations to employees, and verifying the training and certifications of current and prospective employees.

Section	Task Statements		Knowledge Statements	
2A. Employment Obligations, continued (16%)	T13.	Maintain personnel records to address employment and termination documentation requirements.	K32.	Knowledge of laws regarding record-keeping and retention of employee personnel records.
			K33.	Knowledge of laws regarding confidentiality of employee personnel files.
			K34.	Knowledge of laws regarding disclosure of or access to employee personnel files.
			K35.	Knowledge of laws regarding BSIS audits of personnel files.
	T14.	Maintain records of employee certifications and training to document qualifications of security officers and patrolpersons.	K36.	Knowledge of laws regarding the maintenance of security personnel certifications.

2. MANAGEMENT OF SECURITY PERSONNEL (35%), continued: This area assesses the candidate's knowledge of managing security personnel, fulfilling employer obligations to employees, and verifying the training and certifications of current and prospective employees.

Section	Task Statements		Knowledge Statements	
2B. Verification of Training and Certificates (19%)	T15.	Evaluate employee's completion of security officer skills training to promote the safety of persons and property.	K37.	Knowledge of competency components associated with security officer skills training program.
			K38.	Knowledge of the relationship between security officer training and public protection.
	T16.	Evaluate compliance with Power to Arrest training to establish employee awareness of professional responsibilities and limitations.	K39.	Knowledge of the elements of penal codes and their enforcement.
			K40.	Knowledge of responsibilities associated with making a citizen's arrest.
			K41.	Knowledge of the relationship between a security guard and peace officer in making an arrest.
			K42.	Knowledge of limitations of security guard or patrolperson Power to Arrest.
			K43.	Knowledge of restrictions associated with security guard searches and seizures.
			K44.	Knowledge of types of liabilities associated with Power to Arrest.
			K45.	Knowledge of laws regarding trespassing by security detail.
			K46.	Knowledge of requirements regarding security guard training in Power to Arrest.
			K47.	Knowledge of methods for training security guards in Power to Arrest provisions.
			K48.	Knowledge of requirement for providing security guards with Power to Arrest guidebook.
	T17.	Verify proficiency with firearms or other weapons to determine current qualifications of employee.	K49.	Knowledge of laws related to less-lethal weapons certification and use.
			K50.	Knowledge of laws related to baton license and use.
			K51.	Knowledge of laws related to firearms license and use of deadly force.
			K52.	Knowledge of methods for evaluating employee competence in the use of firearms or other weapons.

2. MANAGEMENT OF SECURITY PERSONNEL (35%), continued: This area assesses the candidate’s knowledge of managing security personnel, fulfilling employer obligations to employees, and verifying the training and certifications of current and prospective employees.

Section	Task Statements		Knowledge Statements	
2B. Verification of Training and Certificates, continued (19%)	T18.	Certify proofs of registration to ensure security personnel remain current.	K53.	Knowledge of laws related to verifying registrations and certifications of personnel.
			K54.	Knowledge of laws related to firearms records retention.
	T19.	Provide annual practice or review with registered employees to promote security officer skills.	K55.	Knowledge of laws related to continuing education requirements for security personnel.
			K56.	Knowledge of methods for performing annual skills evaluations of security personnel.

3. MANAGEMENT OF SECURITY OPERATIONS (30%): This area assesses the candidate's knowledge of managing security assignments of employees to meet professional obligations and adhere to requirements for reportable incidents that occur during security assignments.

Section	Task Statements		Knowledge Statements	
3A. Security Assignments and Professional Obligations (20%)	T20.	Develop post orders to specify details of security assignments.	K57.	Knowledge of components that should be included in post orders.
			K58.	Knowledge of methods for developing workforce instructions.
			K59.	Knowledge of protocols for managing emergency situations.
			K60.	Knowledge of methods for monitoring adherence to operating procedures and duties.
			K61.	Knowledge of procedures for security personnel post-incident reporting.
			K62.	Knowledge of methods for resolving or following up on reported post incidents.
			K63.	Knowledge of requirements related to supervision of personnel at security assignments.
	T21.	Develop safety guidelines to protect employees and the public during security assignments.	K64.	Knowledge of laws regarding OSHA requirements.
			K65.	Knowledge of protocols for managing hazardous materials.
			K66.	Knowledge of methods for promoting employee and public safety on security assignments.
	T22.	Review responsibilities and limitations with security personnel to reinforce adherence during assignments.	K67.	Knowledge of laws regarding level of authority of security guards and private patrolpersons.
			K68.	Knowledge of laws regarding false arrest, detainment, and confinement.
			K69.	Knowledge of methods for training personnel in the rights, obligations, and restrictions of private security details.

3. MANAGEMENT OF SECURITY OPERATIONS (30%), continued: This area assesses the candidate's knowledge of managing security assignments of employees to meet professional obligations and adhere to requirements for reportable incidents that occur during security assignments.

Section	Task Statements	Knowledge Statements
3A. Security Assignments and Professional Obligations, continued (20%)	T23. Review responsibilities and limitations of the use of force to reinforce adherence during private security assignments.	K70. Knowledge of laws regarding use of force and deadly force during security assignments.
		K71. Knowledge of principles of de-escalation of force.
		K72. Knowledge of laws regarding possession and carrying of firearms and other weapons in private security assignments.
		K73. Knowledge of standards regarding criminal and civil liability associated with use of force.
		K74. Knowledge of principles of firearms safety and weapons handling during security assignments.
	T24. Provide uniforms and equipment to identify personnel as private security during assignments.	K75. Knowledge of laws regarding design and use of security guard uniforms, badges, and patches.
		K76. Knowledge of methods for obtaining BSIS approval for security guard uniforms and badges.
		K77. Knowledge of laws regarding use of motorized vehicles in security assignments.
	T25. Maintain professional integrity when managing security operations to uphold trust in the profession.	K78. Knowledge of laws regarding scope of practice.
		K79. Knowledge of laws regarding unprofessional conduct.

3. MANAGEMENT OF SECURITY OPERATIONS (30%), continued: This area assesses the candidate's knowledge of managing security assignments of employees to meet professional obligations and adhere to requirements for reportable incidents that occur during security assignments.

Section	Task Statements		Knowledge Statements	
3B. Incident Management and Reporting Obligations (10%)	T26.	Monitor employee conduct to identify violations of the qualifications, functions, and duties of the profession.	K80.	Knowledge of laws regarding scope of practice of security personnel.
			K81.	Knowledge of laws regarding discrimination in the workplace.
	T27.	Review work activity reports to identify incidents that require additional action or training.	K82.	Knowledge of types of incidents that indicate need for additional training of security personnel.
			K83.	Knowledge of methods for training security personnel in private security detail procedures.
	T28.	Report discharge of firearms or use of other weapons during security assignments to notify BSIS of circumstances surrounding incidents.	K84.	Knowledge of laws regarding reporting of firearms discharge or use of other weapons.
			K85.	Knowledge of types of information to include on Incident Report to BSIS.
			K86.	Knowledge of requirements for submitting Incident Reports within specified time frame.
	T29.	Report physical altercations that occur during security assignments to alert BSIS of circumstances surrounding injury or arrest.	K87.	Knowledge of laws regarding the reporting of physical altercations.
			K18.	Knowledge of requirements regarding potential BSIS records audits.
	T30.	Report unlicensed or unregistered private security activity to notify BSIS of violations.	K88.	Knowledge of types of unlicensed or unregistered activity in private security industry.
			K89.	Knowledge of requirements for submitting unlicensed and unregistered activity lead forms.

CHAPTER 6 | CONCLUSION

The OA of the private patrol operator qualified manager profession described in this report provides a comprehensive description of current PPO-QM practice in California. The procedures employed to perform the OA were based on a content validation strategy to ensure that the results accurately represent PPO-QM practice. Results of this OA provide information regarding current practice that can be used to develop a valid and legally defensible California Private Patrol Operator Qualified Manager Examination.

Use of the Private Patrol Operator Qualified Manager Examination outline contained in this report ensures that the Bureau is compliant with Business and Professions Code § 139.

This report provides all documentation necessary to verify that the analysis has been completed in accordance with legal, professional, and technical standards.

APPENDIX A | RESPONDENTS BY REGION

LOS ANGELES COUNTY AND VICINITY

County of Practice	Frequency
Los Angeles	61
Orange	3
TOTAL	64

NORTH COAST

County of Practice	Frequency
Humboldt	1
Mendocino	1
Sonoma	2
TOTAL	4

RIVERSIDE AND VICINITY

County of Practice	Frequency
Riverside	7
San Bernardino	6
TOTAL	13

SACRAMENTO VALLEY

County of Practice	Frequency
Butte	0
Glenn	0
Sacramento	4
Sutter	0
Yolo	0
Yuba	0
TOTAL	4

SAN DIEGO COUNTY AND VICINITY

County of Practice	Frequency
Imperial	0
San Diego	10
TOTAL	10

SAN FRANCISCO BAY AREA

County of Practice	Frequency
Alameda	7
Contra Costa	3
Marin	1
Napa	0
San Francisco	4
San Mateo	0
Santa Clara	6
Santa Cruz	1
Solano	1
TOTAL	23

SAN JOAQUIN VALLEY

County of Practice	Frequency
Fresno	5
Kern	2
Kings	0
Madera	0
Merced	0
San Joaquin	2
Stanislaus	1
Tulare	0
TOTAL	10

SHASTA-CASCADE

County of Practice	Frequency
Plumas	0
Shasta	1
Tehama	0
TOTAL	1

SIERRA MOUNTAIN VALLEY

County of Practice	Frequency
El Dorado	1
Nevada	0
Placer	2
Tuolumne	0
TOTAL	3

SOUTH COAST AND CENTRAL COAST

County of Practice	Frequency
Monterey	3
San Benito	0
San Luis Obispo	1
Santa Barbara	1
Ventura	3
TOTAL	8

APPENDIX B | CRITICALITY INDICES FOR ALL TASKS BY CONTENT AREA

Content Area 1: MANAGEMENT OF BUSINESS OPERATIONS

Subarea 1A: Scope of Work and Contracts

Task Statement	Frequency	Importance	Criticality
T1. Assess client security needs to determine scope of work.	3.85	4.16	17.05
T2. Prepare breakdown of costs to provide clients with estimate of fees for security services.	3.52	3.84	15.03
T3. Develop contracts to specify details of security services.	3.67	4.05	16.40
T4. Evaluate parameters of security services contract to determine whether subcontracts can be used.	1.85	2.11	6.12

Subarea 1B: Business Practices

Task Statement	Frequency	Importance	Criticality
T5. Manage business practices to comply with requirements regarding PPO organization operations.	4.11	4.38	18.88
T6. Obtain insurance to comply with liability requirements for injury, death, or property damage.	3.94	4.54	18.56
T7. Oversee development of marketing materials to ensure conformance with advertisement requirements.	2.84	3.17	10.93
T8. Maintain security contract records to comply with record-keeping best practices.	4.05	4.18	17.82
T9. Confirm billable time records to invoice clients for security services.	4.03	4.25	18.43

Content Area 2: MANAGEMENT OF SECURITY PERSONNEL

Subarea 2A: Employment Obligations

Task Statement	Frequency	Importance	Criticality
T10. Screen applicants to verify qualifications of security guards or security patrolpersons.	4.07	4.40	18.51
T11. Perform applicant background checks to identify convictions or pending charges that would prohibit applicant from working as a security guard or patrolperson.	3.58	4.27	16.23
T12. Provide payment to security guards and patrolpersons to compensate services rendered.	4.12	4.50	19.46
T13. Maintain personnel records to address employment and termination documentation requirements.	3.97	4.40	18.10
T14. Maintain records of employee certifications and training to document qualifications of security officers and patrolpersons.	4.10	4.43	18.49

Subarea 2B: Verification of Training and Certificates

Task Statement	Frequency	Importance	Criticality
T15. Evaluate employee's completion of security officer skills training to promote the safety of persons and property.	3.77	4.21	16.29
T16. Evaluate compliance with Power to Arrest training to establish employee awareness of professional responsibilities and limitations.	3.83	4.24	16.76
T17. Verify proficiency with firearms or other weapons to determine current qualifications of employee.	2.94	3.85	12.90
T18. Certify proofs of registration to ensure security personnel remain current.	3.98	4.43	17.89
T19. Provide annual practice or review with registered employees to promote security officer skills.	3.42	3.98	14.21

Content Area 3: MANAGEMENT OF SECURITY OPERATIONS

Subarea 3A: Security Assignments and Professional Obligations

Task Statement	Frequency	Importance	Criticality
T20. Develop post orders to specify details of security assignments.	3.68	4.19	15.92
T21. Develop safety guidelines to protect employees and the public during security assignments.	3.78	4.18	16.35
T22. Review responsibilities and limitations with security personnel to reinforce adherence during assignments.	3.67	4.13	15.74
T23. Review responsibilities and limitations of the use of force to reinforce adherence during private security assignments.	3.74	4.35	16.72
T24. Provide uniforms and equipment to identify personnel as private security during assignments.	3.73	4.20	16.56
T25. Maintain professional integrity when managing security operations to uphold trust in the profession.	4.31	4.59	20.21

Subarea 3B: Incident Management and Reporting Obligations

Task Statement	Frequency	Importance	Criticality
T26. Monitor employee conduct to identify violations of the qualifications, functions, and duties of the profession.	3.86	4.27	16.82
T27. Review work activity reports to identify incidents that require additional action or training.	3.76	4.13	16.02
T28. Report discharge of firearms or use of other weapons during security assignments to notify BSIS of circumstances surrounding incidents.	1.68	4.18	7.78
T29. Report physical altercations that occur during security assignments to alert BSIS of circumstances surrounding injury or arrest.	2.07	4.34	9.30
T30. Report unlicensed or unregistered private security activity to notify BSIS of violations.	1.87	4.02	8.06

APPENDIX C | KNOWLEDGE IMPORTANCE RATINGS BY CONTENT AREA

Content Area 1: MANAGEMENT OF BUSINESS OPERATIONS

Subarea 1A: Scope of Work and Contracts

	Knowledge Statement	Importance
K1.	Knowledge of laws related to providing private security services.	3.70
K2.	Knowledge of methods for evaluating security needs of potential clients.	3.32
K3.	Knowledge of criteria for providing executive protection, standing guard, or vehicle patrol service.	3.44
K4.	Knowledge of requirements for using active law enforcement as personnel in private security assignments.	2.96
K5.	Knowledge of laws related to providing cost estimates for proposed security services.	3.06
K6.	Knowledge of methods for developing budgets for proposed security services.	3.08
K7.	Knowledge of laws related to contracting with clients for private security services.	3.31
K8.	Knowledge of methods for developing scope of work and costs contract provisions.	3.13
K9.	Knowledge of laws related to use of subcontractors in security details.	2.85

Content Area 1: MANAGEMENT OF BUSINESS OPERATIONS, continued

Subarea 1B: Business Practices

	Knowledge Statement	Importance
K10.	Knowledge of laws regarding PPO qualified manager obligations.	3.59
K11.	Knowledge of laws regarding PPO business entities and structures.	3.41
K12.	Knowledge of laws regarding fictitious business name requirements.	2.96
K13.	Knowledge of laws regarding out-of-state security organizations operating in California.	2.49
K14.	Knowledge of laws regarding general liability insurance coverage requirements for private security services.	3.47
K15.	Knowledge of laws regarding insurance documentation and submission requirements.	3.44
K16.	Knowledge of laws regarding advertising or soliciting security business services.	2.92
K17.	Knowledge of laws regarding record-keeping of private security services provided.	3.34
K18.	Knowledge of requirements regarding potential BSIS records audits.	3.36
K19.	Knowledge of methods for managing billable time records.	3.22
K20.	Knowledge of laws pertaining to fraudulent billing practices.	3.24

Content Area 2: MANAGEMENT OF SECURITY PERSONNEL

Subarea 2A: Employment Obligations

	Knowledge Statement	Importance
K21.	Knowledge of laws regarding interviewing security guards and patrolpersons.	3.16
K22.	Knowledge of laws regarding security personnel training and qualification requirements.	3.43
K23.	Knowledge of laws prohibiting discriminatory hiring practices.	3.45
K24.	Knowledge of methods for verifying licenses, permits, and credentials of potential security personnel.	3.44
K25.	Knowledge of laws regarding criminal offenses and private security employment.	3.40
K26.	Knowledge of laws regarding Live Scan for security personnel.	3.09
K27.	Knowledge of methods for conducting background checks of potential security personnel.	3.16
K28.	Knowledge of methods for identifying fraudulent documentation.	3.26
K29.	Knowledge of requirements for notifying BSIS of fraudulent information or documentation.	3.21
K30.	Knowledge of laws regarding employee wages, breaks, and other forms of compensation.	3.59
K31.	Knowledge of laws regarding paid time off and unpaid leave requirements.	3.40
K32.	Knowledge of laws regarding record-keeping and retention of employee personnel records.	3.37
K33.	Knowledge of laws regarding confidentiality of employee personnel files.	3.47
K34.	Knowledge of laws regarding disclosure of or access to employee personnel files.	3.42
K35.	Knowledge of laws regarding BSIS audits of personnel files.	3.38
K36.	Knowledge of laws regarding the maintenance of security personnel certifications.	3.39

NOTE: Shaded knowledge statement was removed by SMEs because it was no longer applicable to practice. See Chapter 4.

Content Area 2: MANAGEMENT OF SECURITY PERSONNEL, continued

Subarea 2B: Verification of Training and Certificates

	Knowledge Statement	Importance
K37.	Knowledge of competency components associated with security officer skills training program.	3.18
K38.	Knowledge of the relationship between security officer training and public protection.	3.20
K39.	Knowledge of the elements of penal codes and their enforcement.	3.07
K40.	Knowledge of responsibilities associated with making a citizen's arrest.	3.51
K41.	Knowledge of the relationship between a security guard and peace officer in making an arrest.	3.49
K42.	Knowledge of limitations of security guard or patrolperson Power to Arrest.	3.57
K43.	Knowledge of restrictions associated with security guard searches and seizures.	3.51
K44.	Knowledge of types of liabilities associated with Power to Arrest.	3.55
K45.	Knowledge of laws regarding trespassing by security detail.	3.41
K46.	Knowledge of requirements regarding security guard training in Power to Arrest.	3.48
K47.	Knowledge of methods for training security guards in Power to Arrest provisions.	3.39
K48.	Knowledge of requirement for providing security guards with Power to Arrest guidebook.	3.30
K49.	Knowledge of laws related to less-lethal weapons certification and use.	3.28
K50.	Knowledge of laws related to baton license and use.	3.16
K51.	Knowledge of laws related to firearms license and use of deadly force.	3.38
K52.	Knowledge of methods for evaluating employee competence in the use of firearms or other weapons.	3.33
K53.	Knowledge of laws related to the certification of verifying registrations and certifications of personnel.*	3.31
K54.	Knowledge of laws related to firearms records retention.	3.16
K55.	Knowledge of laws related to continuing education requirements for security personnel.	3.18
K56.	Knowledge of methods for performing annual skills evaluations of security personnel.	3.14

*NOTE: The SMEs in the August 2021 workshop added the word "verifying" to K53 to clarify the PPO-QM's role of verifying registrations and certifications.

Content Area 3: MANAGEMENT OF SECURITY OPERATIONS

Subarea 3A: Security Assignments and Professional Obligations

	Knowledge Statement	Importance
K57.	Knowledge of components that should be included in post orders.	4.04
K58.	Knowledge of methods for developing workforce instructions.	4.01
K59.	Knowledge of protocols for managing emergency situations.	4.36
K60.	Knowledge of methods for monitoring adherence to operating procedures and duties.	4.22
K61.	Knowledge of procedures for security personnel post-incident reporting.	4.31
K62.	Knowledge of methods for resolving or following up on reported post incidents.	4.22
K63.	Knowledge of requirements related to supervision of personnel at security assignments.	4.20
K64.	Knowledge of laws regarding Cal OSHA requirements.*	4.31
K65.	Knowledge of protocols for managing hazardous materials.	4.03
K66.	Knowledge of methods for promoting employee and public safety on security assignments.	4.17
K67.	Knowledge of laws regarding level of authority of security guards and private patrolpersons.	4.34
K68.	Knowledge of laws regarding false arrest, detainment, and confinement.	4.44
K69.	Knowledge of methods for training personnel in the rights, obligations, and restrictions of private security details.	4.27
K70.	Knowledge of laws regarding use of force and deadly force during security assignments.	4.53
K71.	Knowledge of principles of de-escalation of force.	4.45
K72.	Knowledge of laws regarding possession and carrying of firearms and other weapons in private security assignments.	4.40
K73.	Knowledge of standards regarding criminal and civil liability associated with use of force.	4.45
K74.	Knowledge of principles of firearms safety and weapons handling during security assignments.	4.27
K75.	Knowledge of laws regarding design and use of security guard uniforms, badges, and patches.	4.25
K76.	Knowledge of methods for obtaining BSIS approval for security guard uniforms and badges.	4.20
K77.	Knowledge of laws regarding use of motorized vehicles in security assignments.	3.85

*NOTE: The SMEs in the August 2021 workshop omitted “Cal” to incorporate both California and national OSHA standards. See Chapter 4.

Content Area 3: MANAGEMENT OF SECURITY OPERATIONS, continued

Subarea 3B: Incident Management and Reporting Obligations

	Knowledge Statement	Importance
K78.	Knowledge of laws regarding scope of practice.	4.18
K79.	Knowledge of laws regarding unprofessional conduct.	4.18
K80.	Knowledge of laws regarding scope of practice of security personnel.	4.18
K81.	Knowledge of laws regarding discrimination in the workplace.	4.35
K82.	Knowledge of types of incidents that indicate need for additional training of security personnel.	4.20
K83.	Knowledge of methods for training security personnel in private security detail procedures.	4.11
K84.	Knowledge of laws regarding reporting of firearms discharge or use of other weapons.	4.35
K85.	Knowledge of types of information to include on Incident Report to BSIS.	4.30
K86.	Knowledge of requirements for submitting Incident Reports within specified time frame.	4.26
K87.	Knowledge of laws regarding the reporting of physical altercations.	4.31
K88.	Knowledge of types of unlicensed or unregistered activity in private security industry.	4.15
K89.	Knowledge of requirements for submitting unlicensed and unregistered activity lead forms.	4.09

APPENDIX D | QUESTIONNAIRE EMAIL INVITATION



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Message from the Bureau of Security and Investigative Services

Dear Private Patrol Operator Qualified Manager:

Thank you for opening this online survey. You have been selected to participate in an occupational analysis of the private patrol operator qualified manager profession by the Bureau of Security and Investigative Services (BSIS). BSIS is collecting information on the tasks currently performed by private patrol operator qualified managers in California, the importance of the tasks, and the knowledge needed to perform the tasks safely and effectively. We will use this information to ensure that the private patrol operator qualified manager examination reflects current practice in California.

We worked with a group of private patrol operator qualified managers to develop a survey to capture this information. The survey should take less than an hour to complete.

For your convenience, you do not have to complete the survey in a single session. You can resume where you stopped as long as you reopen the survey from the same computer and use the same web browser. Before you exit, complete the page that you are on. The program will save responses only on completed pages. The weblink is available 24 hours a day, 7 days a week.

Your responses will be kept confidential. They will not be tied to your license or personal information. Individual responses will be combined with responses from other private patrol operator qualified managers, and only group data will be analyzed.

If you have any questions or need assistance with the survey, please contact [REDACTED] with the Office of Professional Examination Services at [REDACTED]@dca.ca.gov.

To begin the survey, click "Next". Please submit the completed survey by **August 15, 2021**.

We welcome your feedback and appreciate your time!

Thank you!

Bureau of Security and Investigative Services

APPENDIX E | QUESTIONNAIRE



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Message from the Bureau of Security and Investigative Services

Dear Private Patrol Operator Qualified Manager:

Thank you for opening this online survey. You have been selected to participate in a study of the private patrol operator qualified manager profession by the Bureau of Security and Investigative Services (BSIS). BSIS is collecting information on the tasks performed by private patrol operator qualified managers in California, the importance of the tasks, and the knowledge needed to perform the tasks safely and effectively. We will use this information to ensure the private patrol operator qualified manager examination reflects current practice in California.

We worked with a group of private patrol operator qualified managers to develop a survey to capture this information. The survey should take less than an hour to complete.

For your convenience, you do not have to complete the survey in a single session. You can pick up where you left off as long as you reopen the survey from the same computer and use the same web browser. Before you exit, complete the page that you are on. The program will save responses only on completed pages. The weblink is available 24 hours a day, 7 days a week.

Your responses will be kept confidential. They will not be tied to your license or personal information. Individual responses will be combined with responses from other private patrol operator qualified managers, and only group data will be analyzed.

If you have any questions or need assistance with the survey, please contact Brian Knox with the Office of Professional Examination Services at Brian.knox@dca.ca.gov.

To begin the survey, click "**Next**". Please submit the completed survey by **August 15, 2021**.

We welcome your feedback and appreciate your time!

Thank you!

Bureau of Security and Investigative Services



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

Complete this survey only if you are currently a qualified manager for a private patrol operator and are working in California.

The BSIS recognizes that every qualified manager may not perform all of the tasks and use all of the knowledge contained in this survey. However, your participation is essential to the success of this study, and your contributions will help establish standards for safe and effective private patrol operator qualified manager practice in the State of California.

The information you provide here is voluntary and confidential. It will be treated as personal information subject to the Information Practices Act (Civil Code section 1798 et seq.) and will be used only for the purpose of analyzing the data from this survey to generate a demographic profile of qualified managers practicing in California.

*** 1. Are you currently working as a licensed private patrol operator qualified manager (PPO-QM) in California?**

☐ Yes

☐ No



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

2. How long have you been a PPO-QM?

- ☐ Less than a year
- ☐ 1–5 years
- ☐ 6–10 years
- ☐ 11–15 years
- ☐ 16–20 years
- ☐ More than 20 years

3. What is the highest level of education you have achieved?

- ☐ High school diploma / GED
- ☐ Associate degree
- ☐ Bachelor's degree
- ☐ Master's degree
- ☐ Doctorate
- ☐ Other (please specify)

4. Which of the following types of employment best describes your work before qualifying for a California PPO-QM license?

- ☐ Security guard
- ☐ Law enforcement
- ☐ Military
- ☐ Proprietary or in-house security

5. What other California state-issued licenses or permits do you currently hold? (Check all that apply.)

- ☐ None
- ☐ Alarm Company Operator
- ☐ Private Investigator
- ☐ Private Patrol Operator
- ☐ Exposed Firearms Permit
- ☐ Training instructor, baton
- ☐ Training instructor, firearms
- ☐ Other (please specify)



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part I - Personal Data

6. How many hours per week do you work as a PPO-QM?

- ☐ 10 hours or fewer
- ☐ 11–20 hours
- ☐ 21–30 hours
- ☐ 31–40 hours
- ☐ More than 40 hours

7. How is your private patrol operator business structured?

- ☐ Corporation
- ☐ Partnership
- ☐ Sole proprietorship

8. Which of the following types of security services does your business provide?

- ☐ Alarm Response
- ☐ Armed Courier
- ☐ Armed Security
- ☐ Events Security
- ☐ Executive Protection
- ☐ Loss Prevention
- ☐ Security Consultant
- ☐ Standing Guard
- ☐ Vehicle patrol
- ☐ Video Surveillance Monitoring
- ☐ Vehicle patrol
- ☐ Other (please specify)

9. How many part-time employees are in your PPO organization?

- ☐ None
- ☐ 1–25 employees
- ☐ 26–50 employees
- ☐ 51–75 employees
- ☐ 76–100 employees
- ☐ 101–300 employees
- ☐ Over 300 employees

10. How many full-time employees are in your PPO organization?

- ☐ None
- ☐ 1–25 employees
- ☐ 26–50 employees
- ☐ 51–75 employees
- ☐ 76–100 employees
- ☐ 101–300 employees
- ☐ Over 300 employees

11. Which of the following types of training does your PPO provide in-house? Check all that apply, if any.

- ☐ None
- ☐ Baton training
- ☐ Chemical weapons training
- ☐ Defensive tactics / Arrest control
- ☐ Firearms training
- ☐ Less-lethal weapons training
- ☐ Powers to arrest / WMD
- ☐ Security guard skills training (AB 2880)
- ☐ Other (please specify)

12. Which of the following types of training does your PPO acquire from outside training facilities? Check all that apply, if any.

- ☐ None
- ☐ Baton training
- ☐ Chemical weapons training
- ☐ Defensive tactics / Arrest control
- ☐ Firearms training
- ☐ Less-lethal weapons training
- ☐ Powers to arrest/ WMD
- ☐ Security guard skills training (AB 2880)
- ☐ Other (please specify)

13. What is the location of your primary work setting?

- ☐ Urban (more than 50,000 people)
- ☐ Rural (fewer than 50,000 people)



**PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS
SURVEY**

Part I - Personal Data

14. In what California county do you perform the majority of your work?

- | | | |
|------------------------------------|---------------------------------------|-------------------------------------|
| <input type="radio"/> Alameda | <input type="radio"/> Marin | <input type="radio"/> San Mateo |
| <input type="radio"/> Alpine | <input type="radio"/> Mariposa | <input type="radio"/> Santa Barbara |
| <input type="radio"/> Amador | <input type="radio"/> Mendocino | <input type="radio"/> Santa Clara |
| <input type="radio"/> Butte | <input type="radio"/> Merced | <input type="radio"/> Santa Cruz |
| <input type="radio"/> Calaveras | <input type="radio"/> Modoc | <input type="radio"/> Shasta |
| <input type="radio"/> Colusa | <input type="radio"/> Mono | <input type="radio"/> Sierra |
| <input type="radio"/> Contra Costa | <input type="radio"/> Monterey | <input type="radio"/> Siskiyou |
| <input type="radio"/> Del Norte | <input type="radio"/> Napa | <input type="radio"/> Solano |
| <input type="radio"/> El Dorado | <input type="radio"/> Nevada | <input type="radio"/> Sonoma |
| <input type="radio"/> Fresno | <input type="radio"/> Orange | <input type="radio"/> Stanislaus |
| <input type="radio"/> Glenn | <input type="radio"/> Placer | <input type="radio"/> Sutter |
| <input type="radio"/> Humboldt | <input type="radio"/> Plumas | <input type="radio"/> Tehama |
| <input type="radio"/> Imperial | <input type="radio"/> Riverside | <input type="radio"/> Trinity |
| <input type="radio"/> Inyo | <input type="radio"/> Sacramento | <input type="radio"/> Tulare |
| <input type="radio"/> Kern | <input type="radio"/> San Benito | <input type="radio"/> Tuolumne |
| <input type="radio"/> Kings | <input type="radio"/> San Bernardino | <input type="radio"/> Ventura |
| <input type="radio"/> Lake | <input type="radio"/> San Diego | <input type="radio"/> Yolo |
| <input type="radio"/> Lassen | <input type="radio"/> San Francisco | <input type="radio"/> Yuba |
| <input type="radio"/> Los Angeles | <input type="radio"/> San Joaquin | |
| <input type="radio"/> Madera | <input type="radio"/> San Luis Obispo | |



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

INSTRUCTIONS FOR RATING TASK STATEMENTS

In this part of the questionnaire, you will be presented with 30 task statements. Please rate each task as it relates to your current practice as a private patrol operator qualified manager using the **Frequency** and **Importance** scales displayed below. Your frequency and importance ratings should be separate and independent ratings. Therefore, the ratings you assign using one rating scale should not influence the ratings that you assign using the other rating scale.

If the task is NOT a part of your current practice, rate the task as "0" (zero) frequency and "0" (zero) importance.

The boxes for rating the frequency and importance of each task have drop-down lists. Click on the "down" arrow for each list to see the rating, and then select the value based on your current practice.

FREQUENCY RATING SCALE

HOW OFTEN are these tasks performed in your current practice? Use the following scale to make your ratings.

0 - DOES NOT APPLY. I do not perform this task in my current practice.

1 - RARELY. This task is one of the tasks I perform least often in my current practice relative to other tasks I perform.

2 - SELDOM. This task is performed less often than most to other tasks I perform in my current practice.

3 - REGULARLY. This task is performed as often as other tasks I perform in my current practice.

4 - OFTEN. This task is performed more often than most other tasks I perform in my current practice.

5 - VERY OFTEN. This task is one of the tasks I perform most often in my current practice relative to other tasks I perform.

IMPORTANCE RATING SCALE

HOW IMPORTANT are these tasks in performance of your current practice? Use the following scale to make your ratings.

0 - NOT IMPORTANT, DOES NOT APPLY TO MY PRACTICE. This task is not important to my current practice; I do not perform this task in my practice.

1 - OF MINOR IMPORTANCE. This task is of minor importance relative to other tasks; it has the lowest priority of all the tasks I perform in my current practice.

2 - FAIRLY IMPORTANT. This task is fairly important relative to other tasks; however, it does not have the priority of most other tasks I perform in my current practice.

3 - MODERATELY IMPORTANT. This task is moderately important for effective performance relative to other tasks; it has average priority of all the tasks I perform in my current practice.

4 - VERY IMPORTANT. This task is very important relative to other tasks; it has a higher degree of priority than most other tasks I perform in my current practice.

5 - CRITICALLY IMPORTANT. This task is one of the most critical tasks I perform relative to other tasks; it has the highest degree of priority of all the tasks I perform in my current practice.



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

15. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 1: Management of Business Operations

Scope of Work and Contracts

	Frequency	Importance
T1. Assess client security needs to determine scope of work.	<input type="text"/>	<input type="text"/>
T2. Prepare breakdown of costs to provide clients with estimate of fees for security services.	<input type="text"/>	<input type="text"/>
T3. Develop contracts to specify details of security services.	<input type="text"/>	<input type="text"/>
T4. Evaluate parameters of security services contract to determine whether subcontracts can be used.	<input type="text"/>	<input type="text"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

16. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 1: Management of Business Operations

Business Practices

	Frequency	Importance
T5. Manage business practices to comply with requirements regarding PPO organization operations.	<input type="text"/>	<input type="text"/>
T6. Obtain insurance to comply with liability requirements for injury, death, or property damage.	<input type="text"/>	<input type="text"/>
T7. Oversee development of marketing materials to ensure conformance with advertisement requirements.	<input type="text"/>	<input type="text"/>
T8. Maintain security contract records to comply with recordkeeping best practices.	<input type="text"/>	<input type="text"/>
T9. Confirm billable time records to invoice clients for security services.	<input type="text"/>	<input type="text"/>



**PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS
SURVEY**

Part II - Task Ratings

17. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 2: Management of Security Personnel

Employment Obligations

	Frequency	Importance
T10. Screen applicants to verify qualifications of security guards or security patrolpersons.	<input type="text"/>	<input type="text"/>
T11. Perform applicant background checks to identify convictions or pending charges that would prohibit applicant from working as a security guard or patrolperson.	<input type="text"/>	<input type="text"/>
T12. Provide payment to security guards and patrolpersons to compensate services rendered.	<input type="text"/>	<input type="text"/>
T13. Maintain personnel records to address employment and termination documentation requirements.	<input type="text"/>	<input type="text"/>
T14. Maintain records of employee certifications and training to document qualifications of security officers and patrolpersons.	<input type="text"/>	<input type="text"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part II - Task Ratings

18. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 2: Management of Security Personnel

Verifications of Training and Certifications

	Frequency	Importance
T15. Evaluate employee's completion of security officer skills training to promote the safety of persons and property.	<input type="text"/>	<input type="text"/>
T16. Evaluate compliance with Power to Arrest training to establish employee awareness of professional responsibilities and limitations.	<input type="text"/>	<input type="text"/>
T17. Verify proficiency with firearms or other weapons to determine current qualifications of employee.	<input type="text"/>	<input type="text"/>
T18. Certify proofs of registration to ensure security personnel remain current.	<input type="text"/>	<input type="text"/>
T19. Provide annual practice or review with registered employees to promote security officer skills.	<input type="text"/>	<input type="text"/>



**PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS
SURVEY**

Part II - Task Ratings

19. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 3: Management of Security Operations

Security Assignments and Professional Obligations

	Frequency	Importance
T20. Develop post orders to specify details of security assignments.	<input type="text"/>	<input type="text"/>
T21. Develop safety guidelines to protect employees and the public during security assignments.	<input type="text"/>	<input type="text"/>
T22. Review responsibilities and limitations with security personnel to reinforce adherence during assignments.	<input type="text"/>	<input type="text"/>
T23. Review responsibilities and limitations of the use of force to reinforce adherence during private security assignments.	<input type="text"/>	<input type="text"/>
T24. Provide uniforms and equipment to identify personnel as private security during assignments.	<input type="text"/>	<input type="text"/>
T25. Maintain professional integrity when managing security operations to uphold trust in the profession.	<input type="text"/>	<input type="text"/>



**PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS
SURVEY**

Part II - Task Ratings

20. Please rate the following tasks based on how often you perform the task (Frequency) and how important the task is for effective performance of your current practice (Importance).

Content Area 3: Management of Security Operations

Incident Management and Reporting Obligations

	Frequency	Importance
T26. Monitor employee conduct to identify violations of the qualifications, functions, and duties of the profession.	<input type="text"/>	<input type="text"/>
T27. Review work activity reports to identify incidents that require additional action or training.	<input type="text"/>	<input type="text"/>
T28. Report discharge of firearms or use of other weapons during security assignments to notify BSIS of circumstances surrounding incidents.	<input type="text"/>	<input type="text"/>
T29. Report physical altercations that occur during security assignments to alert BSIS of circumstances surrounding injury or arrest.	<input type="text"/>	<input type="text"/>
T30. Report unlicensed or unregistered private security activity to notify BSIS of violations.	<input type="text"/>	<input type="text"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

INSTRUCTIONS FOR RATING KNOWLEDGE STATEMENTS

In this part of the questionnaire, you will be presented 89 knowledge statements. Please rate each knowledge statement based on how important you believe that knowledge is to the effective performance of tasks in your current practice as a private patrol operator qualified manager.

If the knowledge does **NOT** apply to your practice, rate the statement as "0" (zero) importance and go on to the next statement.

Please use the following importance scale to rate the knowledge statements:

IMPORTANCE SCALE

HOW IMPORTANT is this knowledge for effective performance of tasks in your current practice?

0 - NOT IMPORTANT; NOT REQUIRED. This knowledge does not apply to my current practice; it is not required for effective performance.

1 - OF MINOR IMPORTANCE. This knowledge is of minor importance for effective performance; it is useful for some relatively minor parts of my current practice.

2 - FAIRLY IMPORTANT. This knowledge is fairly important for effective performance in some relatively major parts of my current practice.

3 - MODERATELY IMPORTANT. This knowledge is moderately important for effective performance in some relatively major parts of my current practice.

4 - VERY IMPORTANT. This knowledge is very important for effective performance of tasks in my current practice.

5 - CRITICALLY IMPORTANT. This knowledge is critically important for effective performance of tasks in my current practice.



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

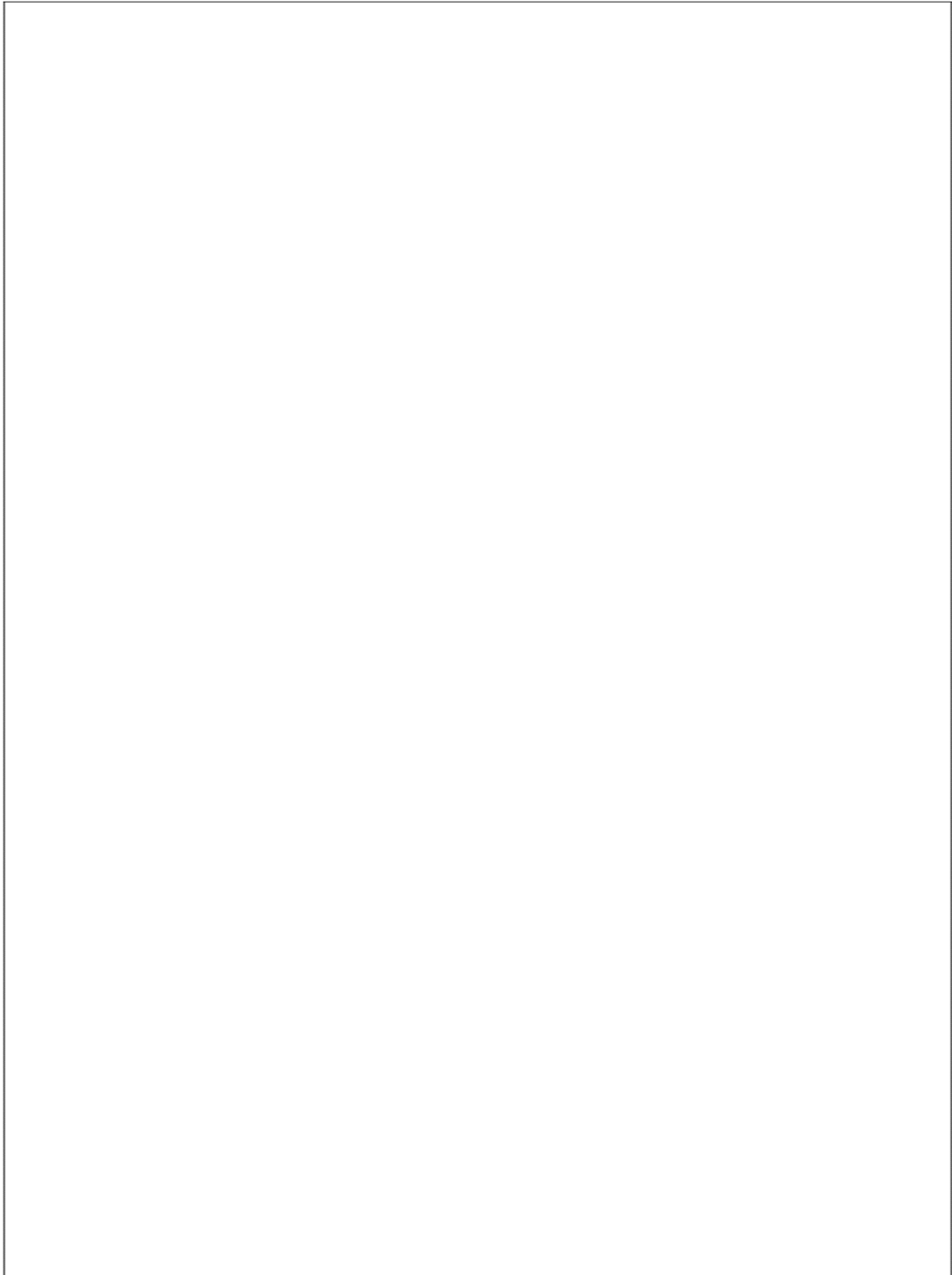
Part III - Knowledge Ratings

21. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 1: Management of Business Operations

Scope of Work and Contracts

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K1. Knowledge of laws related to providing private security services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K2. Knowledge of methods for evaluating security needs of potential clients.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K3. Knowledge of criteria for providing executive protection, standing guard, or vehicle patrol service.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K4. Knowledge of requirements for using active law enforcement as personnel in private security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K5. Knowledge of laws related to providing cost estimates for proposed security services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K6. Knowledge of methods for developing budgets for proposed security services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K7. Knowledge of laws related to contracting with clients for private security services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K8. Knowledge of methods for developing scope of work and costs contract provisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K9. Knowledge of laws related to use of subcontractors in security details.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>





**PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS
SURVEY**

Part III - Knowledge Ratings

22. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 1: Management of Business Operations

Business Practices

	Not important, not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K10. Knowledge of laws regarding PPO qualified manager obligations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K11. Knowledge of laws regarding PPO business entities and structures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K12. Knowledge of laws regarding fictitious business name requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K13. Knowledge of laws regarding out-of-state security organizations operating in California.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K14. Knowledge of laws regarding general liability insurance coverage requirements for private security services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K15. Knowledge of laws regarding insurance documentation and submission requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K16. Knowledge of laws regarding advertising or soliciting security business services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K17. Knowledge of laws regarding recordkeeping of private security services provided.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K18. Knowledge of requirements regarding potential BSIS records audits.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K19. Knowledge of methods for managing billable time records.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K20. Knowledge of laws pertaining to fraudulent billing practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

23. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 2: Management of Security Personnel

Employment Obligations

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K21. Knowledge of laws regarding interviewing security guards and patrolpersons.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K22. Knowledge of laws regarding security personnel training and qualification requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K23. Knowledge of laws prohibiting discriminatory hiring practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K24. Knowledge of methods for verifying licenses, permits, and credentials of potential security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K25. Knowledge of laws regarding criminal offenses and private security employment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K26. Knowledge of laws regarding Live Scan for security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K27. Knowledge of methods for conducting background checks of potential security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K28. Knowledge of methods for identifying fraudulent documentation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K29. Knowledge of requirements for notifying BSIS of fraudulent information or documentation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K30. Knowledge of laws regarding employee wages, breaks, and other forms of compensation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K31. Knowledge of laws regarding paid time off and unpaid leave requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K32. Knowledge of laws regarding recordkeeping and retention of employee personnel records.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K33. Knowledge of laws regarding confidentiality of employee personnel files.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K34. Knowledge of laws regarding disclosure of or access to employee personnel files.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K35. Knowledge of laws regarding BSIS audits of personnel files.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K36. Knowledge of laws regarding the maintenance of security personnel certifications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

24. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 2: Management of Security Personnel

Verifications of Training and Certifications

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K37. Knowledge of competency components associated with security officer skills training program.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K38. Knowledge of the relationship between security officer training and public protection.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K39. Knowledge of the elements of penal codes and their enforcement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K40. Knowledge of responsibilities associated with making a citizen's arrest.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K41. Knowledge of the relationship between a security guard and peace officer in making an arrest.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K42. Knowledge of limitations of security guard or patrolperson power to arrest.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K43. Knowledge of restrictions associated with security guard searches and seizures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K44. Knowledge of types of liabilities associated with power to arrest.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K45. Knowledge of laws regarding trespassing by security detail.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K46. Knowledge of requirements regarding security guard training in Power to Arrest.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K47. Knowledge of methods for training security guards in Power to Arrest provisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K48. Knowledge of requirement for providing security guards with Power to Arrest guidebook.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K49. Knowledge of laws related to less-lethal weapons certification and use.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K50. Knowledge of laws related to baton license and use.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K51. Knowledge of laws related to firearms license and use of deadly force.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K52. Knowledge of methods for evaluating employee competence in the use of firearms or other weapons.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K53. Knowledge of laws related to the certification of registrations of personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K54. Knowledge of laws related to firearms records retention.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K55. Knowledge of laws related to continuing education requirements for security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K56. Knowledge of methods for performing annual skills evaluations of security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

25. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 3: Management of Security Operations

Security Assignments and Professional Obligations

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically Important
K57. Knowledge of components that should be included in post orders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K58. Knowledge of methods for developing workforce instructions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K59. Knowledge of protocols for managing emergency situations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K60. Knowledge of methods for monitoring adherence to operating procedures and duties.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K61. Knowledge of procedures for security personnel post-incident reporting.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically Important
K62. Knowledge of methods for resolving or following up on reported post incidents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K63. Knowledge of requirements related to supervision of personnel at security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K64. Knowledge of laws regarding Cal/OSHA requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K65. Knowledge of protocols for managing hazardous materials.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K66. Knowledge of methods for promoting employee and public safety on security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K67. Knowledge of laws regarding level of authority of security guards and private patrolpersons.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K68. Knowledge of laws regarding false arrest, detainment, and confinement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K69. Knowledge of methods for training personnel in the rights, obligations, and restrictions of private security details.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically Important
K70. Knowledge of laws regarding use of force and deadly force during security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K71. Knowledge of principles of de-escalation of force.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K72. Knowledge of laws regarding possession and carrying of firearms and other weapons in private security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K73. Knowledge of standards regarding criminal and civil liability associated with use of force.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K74. Knowledge of principles of firearms safety and weapons handling during security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K75. Knowledge of laws regarding design and use of security guard uniforms, badges, and patches.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K76. Knowledge of methods for obtaining BSIS approval for security guard uniforms and badges.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K77. Knowledge of laws regarding use of motorized vehicles in security assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K78. Knowledge of laws regarding scope of practice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically Important
K79. Knowledge of laws regarding unprofessional conduct.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Part III - Knowledge Ratings

26. How important is this knowledge for effective performance of tasks in your current practice?

Content Area 3: Management of Security Operations

Incident Management and Reporting Obligations

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K80. Knowledge of laws regarding scope of practice of security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K81. Knowledge of laws regarding discrimination in the workplace.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K82. Knowledge of types of incidents that indicate need for additional training of security personnel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K83. Knowledge of methods for training security personnel in private security detail procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not important; not required	Of minor importance	Fairly important	Moderately important	Very important	Critically important
K84. Knowledge of laws regarding reporting of firearms discharge or use of other weapons.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K85. Knowledge of types of information to include on Incident Report to BSIS.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K86. Knowledge of requirements for submitting Incident Reports within specified time frame.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K87. Knowledge of laws regarding the reporting of physical altercations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K88. Knowledge of types of unlicensed or unregistered activity in private security industry.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K89. Knowledge of requirements for submitting unlicensed and unregistered activity lead forms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



PRIVATE PATROL OPERATOR QUALIFIED MANAGER OCCUPATIONAL ANALYSIS SURVEY

Thank you!

Thank you for taking the time to complete this survey. The Bureau of Security and Investigative Services (BSIS) values your contribution to this study.

ATTACHMENT D

YEAR-END ORGANIZATION CHARTS FOR LAST FOUR FISCAL YEARS



Department of Consumer Affairs
Bureau of Security and Investigative Services

January 1, 2019

Director, DCA
Dean R. Grafilo
Chief Deputy Director
Chris Shultz

Darrel Woo
Bureau Chief (Exempt)
625-100-8896-001

Gloriela Garcia
Deputy Chief
Staff Services Manager II (Sup)
625-100-4801-002

Current
FY: 18-19
Authorized Positions: 67
BL 12-03 (999): 2.60 *
Temp Help (907): 9.50

Sam Stodolski
Deputy Chief
Staff Services Manager II (Sup)
625-100-4801-003

Laura Alarcon
SSM I (RA)
625-100-4800-907

Vacant
Supervising Program Tech II
625-100-9925-XXX
625-100-9925-999

DISCIPLINARY REVIEW UNIT
Matt Bowden
Staff Services Manager I
625-100-4800-006

ENFORCEMENT
Marti Shaffer
Staff Services Manager I
625-100-4800-003

ADMINISTRATION & POLICY
Antoine Hage
Staff Services Manager I
625-100-4800-004

LICENSING
Jasmine Argo
Staff Services Manager I
625-100-4800-005

Vacant
Supervising Program
Technician II
625-100-9925-XXX

Helen Figures
OT (G)
625-100-1138-006

Linda Stout
PT II
625-100-9928-003

Rosa Hernandez
PT II
625-100-9928-005

Amelia Tapia
PT II**
625-100-9928-007

Cheryl Row
PT II
625-100-9928-014

Yvan Le
SSA
625-100-5157-018

Alyse Hutchison
SSA
625-100-5157-999

VACANT
SSA
625-200-5157-001

CASE
MANAGEMENT

Inez Cortez
AGPA
625-100-5393-801

Rolando Tazea
AGPA
625-100-5393-802

Josie Luna
AGPA
625-130-5393-003

William Shane
SSA
625-100-5157-009

Patricia Ojeda
AGPA
625-100-5393-004

Tze Kuan Lu
AGPA
625-100-5393-006

Russell Sammons
AGPA
625-100-5393-007

VACANT
AGPA
625-100-5393-010

Andrea Dailly
AGPA
625-100-5393-011

Jason Tackett
AGPA
625-100-5393-017

Nikki Judge
AGPA
625-100-5393-018

Ephrem Choi
SA
625-100-4870-907

Isabel Velasco
SA
625-100-4870-907

Terri Williams
AGPA
625-100-5393-800

Marc Silvey
AGPA
625-130-5393-800

Phyllis Scott
AGPA
625-200-5393-001

Vacant
AGPA
625-200-5393-002

COMPLAINT
RESOLUTION

Cynthia Parry
SSA
625-100-5157-019

Samuel McCurley
SSA
625-200-5157-002

Ruby Montoya
AGPA
625-100-5393-020

Tina Jacobson
SSA
625-100-5157-001

Vacant
AGPA
625-100-5393-003

Nicole Ishiura (1.00)
AGPA
625-100-5393-804 (0.90)
-999 (0.10)

Mary Grundman
AGPA
625-100-5393-015

Karissa Huestis
AGPA
625-100-5393-016

Marci Sturtevant
AGPA
625-100-5393-019

Jason Knecht
PT II
625-100-9928-021

Guadalupe Cabanyog
PT II
625-200-9928-001

Ivonne Basquez
PT II
625-130-9928-005

Alex Poulos
PT II
625-100-9928-002

VACANT
PT II
625-100-9928-907

CASHIERING
Christopher Esquivel***
MST
625-100-5278-003

DCA Director or Designee _____ Date _____

Bureau Chief _____ Date _____

Personnel Analyst _____ Date _____

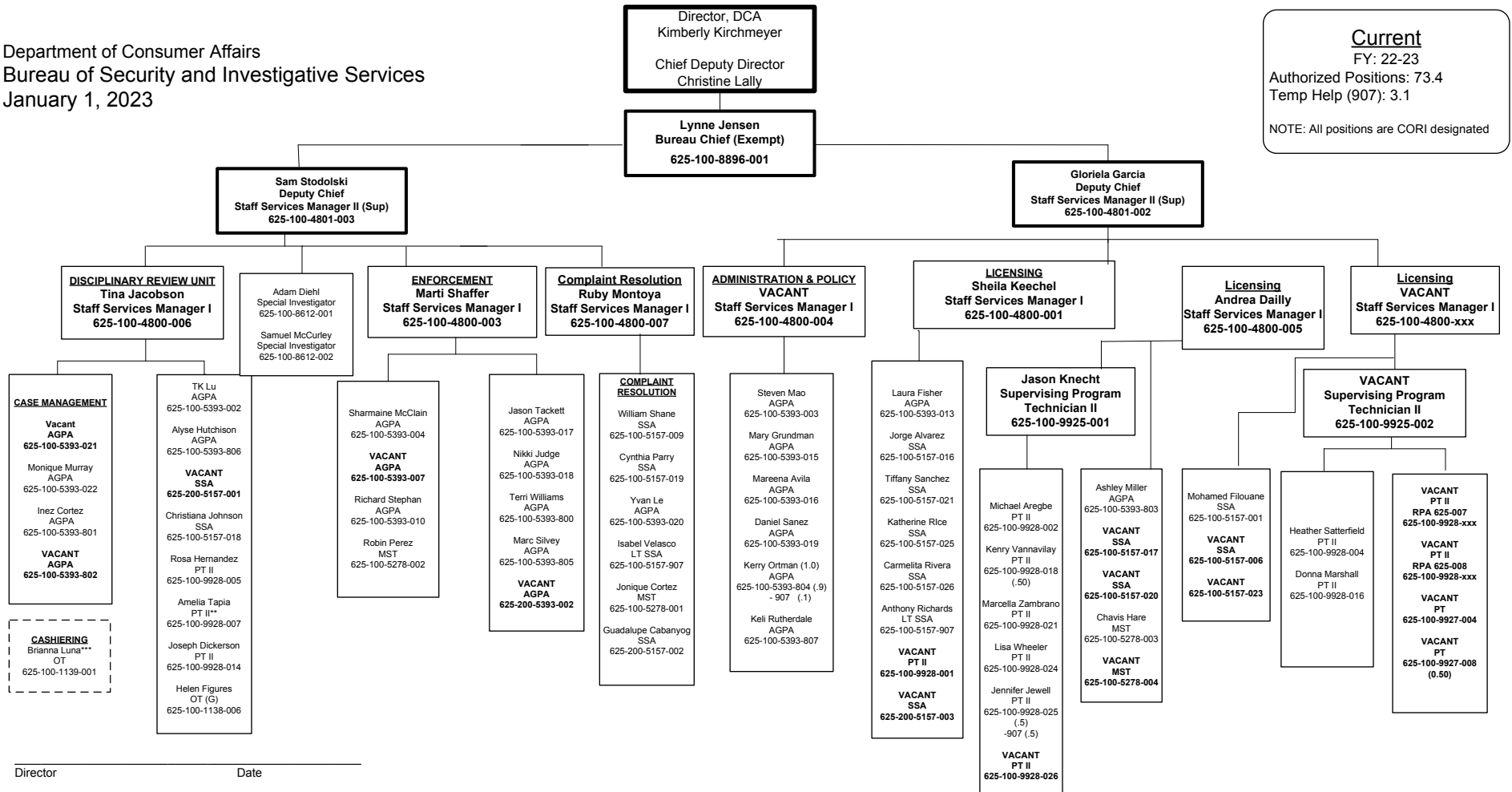
NOTE: All positions are CORI designated

* = Reduced Time Base of positions effective
7/1/2012, due to Budget Letter 12-03.

** = Bilingual Pay

*** = Positions physically located within DCA's Cashiering Unit and report to supervisors and/or managers within
the Cashiering unit.

Department of Consumer Affairs
Bureau of Security and Investigative Services
January 1, 2023



Current
FY: 22-23
Authorized Positions: 73.4
Temp Help (907): 3.1
NOTE: All positions are CORI designated

Director _____ Date _____

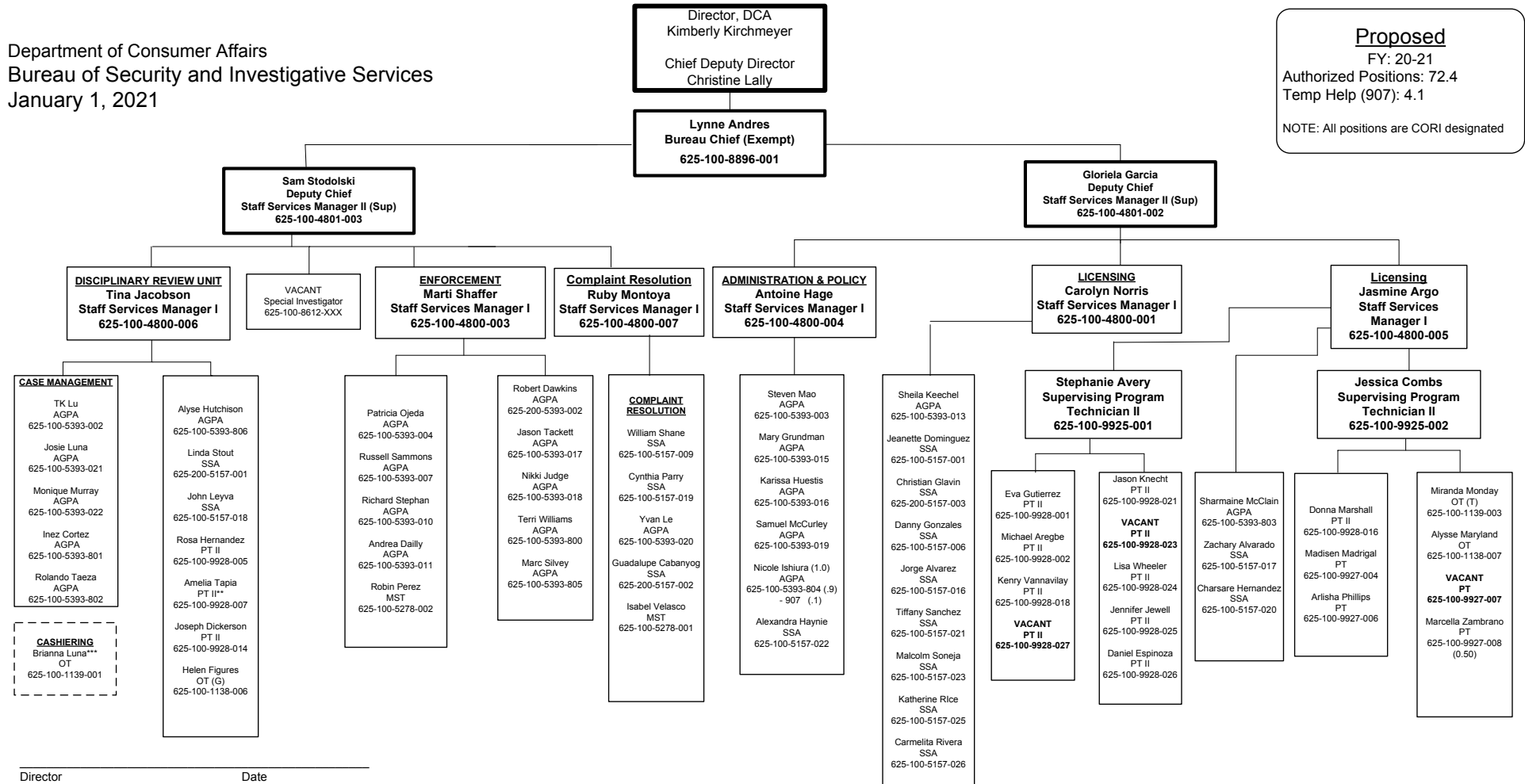
Bureau Chief _____ Date _____

Sophia Bruinsma, C&R Analyst _____ Date _____

** = Bilingual Pay

*** = Positions physically located within DCA's Cashiering Unit and report to supervisors and/or managers within the Cashiering unit.

Department of Consumer Affairs
Bureau of Security and Investigative Services
January 1, 2021



Proposed
FY: 20-21
Authorized Positions: 72.4
Temp Help (907): 4.1
NOTE: All positions are CORI designated

Director _____ Date _____

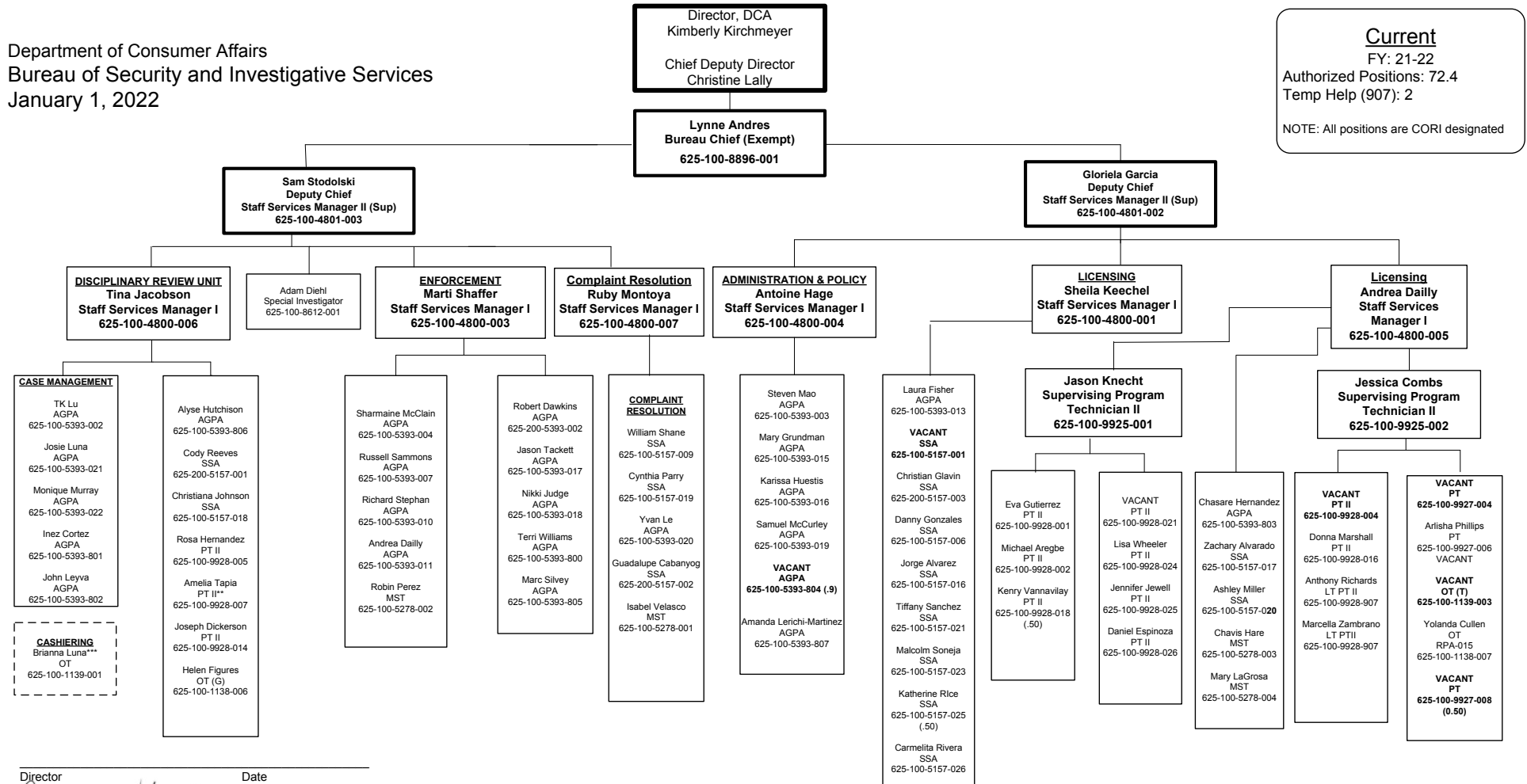
Bureau Chief _____ Date _____

Courtney Sharpe, C&R Analyst _____ Date _____

** = Bilingual Pay

*** = Positions physically located within DCA's Cashiering Unit and report to supervisors and/or managers within the Cashiering unit.

Department of Consumer Affairs
Bureau of Security and Investigative Services
January 1, 2022



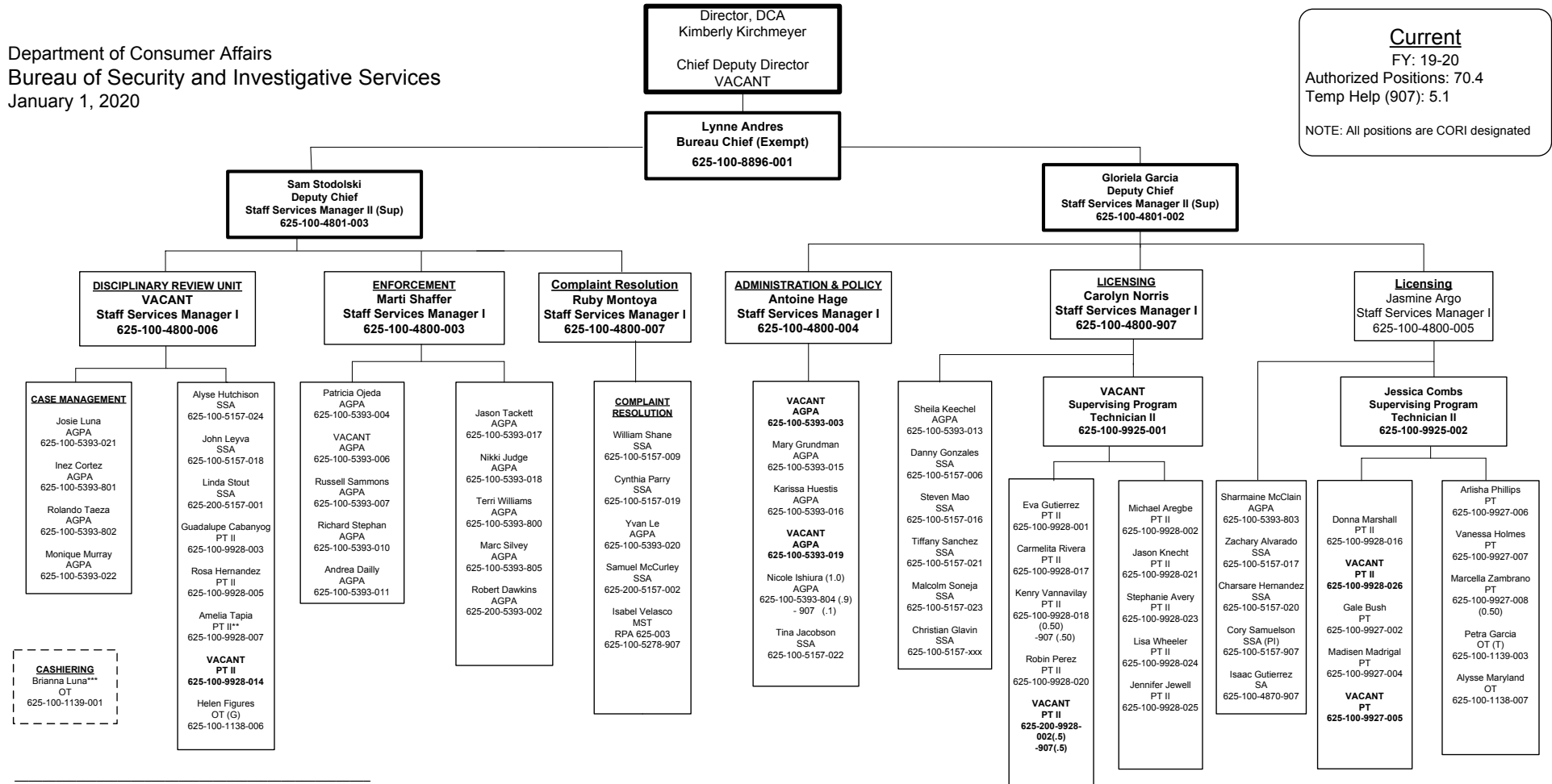
Director _____ Date _____
Lynne Andres
Bureau Chief _____ Date _____

Laura Deradoorian, C&R Analyst _____ Date _____

** = Bilingual Pay

*** = Positions physically located within DCA's Cashiering Unit and report to supervisors and/or managers within the Cashiering unit.

Department of Consumer Affairs
Bureau of Security and Investigative Services
January 1, 2020



Director _____ Date _____

Bureau Chief _____ Date _____

Courtney Sharpe, C&R Analyst _____ Date _____

** = Bilingual Pay

*** = Positions physically located within DCA's Cashiering Unit and report to supervisors and/or managers within the Cashiering unit.

Department of Consumer Affairs
Bureau of Security and Investigative Services

January 1, 2018

Laura Alarcon
Bureau Chief (Exempt)
625-100-8896-001

Current

FY: 17-18

Authorized Positions: 63.4

BL 12-03 (999): 2.60 *

Temp Help (907): 4.00

Sam Stodolski
Deputy Chief
Staff Services Manager II (Sup)
625-100-4801-003

Clarisa Serrato- Chavez
Deputy Chief
Staff Services Manager II (Sup)
625-100-4801-002

DISCIPLINARY REVIEW UNIT
Matt Bowden
Staff Services Manager I
625-100-4800-006

ENFORCEMENT
Tammy Gasper
Staff Services Manager I
625-100-4800-003

ADMINISTRATION & POLICY
Antoine Hage
Staff Services Manager I
625-100-4800-004

LICENSING
Jennifer Munoz
Staff Services Manager I
625-100-4800-005

Alyse Hutchison
Supervising Program Tech III
625-100-9926-001

VACANT
Supervising Program Tech I
625-100-9924-XXX

Helen Figures
OT (G)
625-100-1138-006

Denise Griffin
PT II
625-100-9928-003

Rosa Hernandez
PT II
625-100-9928-005

Amelia Tapia
PT II**
625-100-9928-007

Cheryl Row
PT II
625-100-9928-014

Yvan Le
SSA
625-100-5157-018

Jasmine Argo
SSA
625-100-5157-999

John Blackwell
SSA
625-200-5157-001

**CASE
MANAGEMENT**

Inez Cortez
AGPA
625-100-5393-801

**VACANT
AGPA
625-100-5393-802**

Josie Luna
AGPA
625-130-5393-003

William Shane
SSA
625-100-5157-009

Patricia Ojeda
AGPA
625-100-5393-004

Rolando Taeza
AGPA
625-100-5393-006

Russell Sammons
AGPA
625-100-5393-007

Sheila Keechel
AGPA
625-100-5393-010

Andrea Dailly
AGPA
625-100-5393-011

Jason Tackett
AGPA
625-100-5393-017

Nikki Judge
AGPA
625-100-5393-018

Terri Williams
AGPA
625-100-5393-800

William Ziegler
AGPA
625-130-5393-800

Phyllis Scott
AGPA
625-200-5393-001

Carol Hyde
AGPA
625-200-5393-002

**COMPLAINT
RESOLUTION**

Cynthia Parry
SSA
625-100-5157-019

Marc Silvey
SSA
625-200-5157-002

Ruby Montoya
AGPA
625-100-5393-020

**Vacant
SSA
625-100-5157-007**

Cha Xiong
AGPA
625-100-5393-003

Nicole Ishiura
AGPA
625-100-5393-014 (0.90)
-999 (0.10)

Mary Grundman
AGPA
625-100-5393-015

Karissa Huestis
AGPA
625-100-5393-016

Marci Sturtevant
AGPA
625-100-5393-019

Kyle Shallcross
SA
625-100-4870-907

Danny Gonzales
SSA
625-100-5157-006

Steven Mao
SSA
625-100-5157-016

**Vacant
SSA
625-100-5157-017**

Jené Hughes
SSA
625-100-5157-020

Jonathan Nazario
SSA
625-100-5157-999

Maria Ejaz
SSA
625-130-5157-002

Sharmaine
McClain
AGPA
625-100-5393-803

Eva Gutierrez
PT II
625-100-9928-001

Tiffany Sanchez
PT II
625-100-9928-002

**VACANT
PT II
625-100-9928-013**

Donna Marshall
PT II
625-100-9928-016

Carmelita Rivera
PT II
625-100-9928-017

John Leyva
PT II
625-100-9928-018
(0.50)

Robin Perez
PT II
625-100-9928-020

Jason Knecht
PT II
625-100-9928-021

Guadalupe Cabanyog
PT II
625-100-9928-022

**VACANT
PT II
625-100-9928-023**

**VACANT
PT II
625-100-9928-024**

Ivonne Basquez
PT II
625-130-9928-005

Linda Stout
PT
625-100-9927-005

Gale Bush
PT
625-100-9927-002

Dauida Cory
PT
625-100-9927-004

Jennifer Jewell
PT
625-100-9927-907

Marcella Zambrano
PT
625-100-9927-999 (0.50)

Vanessa Holmes
PT
625-130-9927-001

Natalee Mendoza
PT
625-200-9927-001

Shelby Crocker
OA
625-100-1441-907

Gerald Jennings
OA
625-100-1441-907

CASHIERING
Christopher Esquivel***
MST
625-100-5278-003

DCA Director or Designee

Date

Bureau Chief

Date

Personnel Analyst

Date

NOTE: All positions are CORI designated

* = Reduced Time Base of positions effective
7/1/2012, due to Budget Letter 12-03.

** = Bilingual Pay

*** = Positions physically located within DCA's Cashiering Unit and report to supervisors and/or managers within the Cashiering unit.

ATTACHMENT E

QUARTERLY AND ANNUAL PERFORMANCE MEASURE REPORTS



Annual Enforcement Statistics FY 2019/20

DCA Entity

Bureau of Security And Investigative Services

Fiscal Year

FY 2019/20

Processing Time Legend

Intake

Investigation

Time at AG

Formal Discipline

FY 2019/20 Bureau of Security And Investigative Services Annual Enforcement Activity Summary

During FY 2019/20 the Bureau of Security And Investigative Services received 2,844 new Complaint Cases and 22,415 Conviction/Arrests Cases for a total of 25,259 new Enforcement Cases. Total case volume changed -8.5% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services referred 564 new cases to the Attorney General's Office, a 54.5% change from the previous fiscal year. The Bureau of Security And Investigative Services closed 85.5% of investigation cases within six months or less. The data was last updated 5/25/2023 9:47:15 PM



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from the enforcement activity section of the DCA annual reports. In some instances, the data contained in this interactive dashboard may differ from the information published in other reports due release timing and report methodology.

Annual Enforcement Statistics FY 2020/21

DCA Entity

Bureau of Security And Investigative Services

Fiscal Year

FY 2020/21

Processing Time Legend

Intake

Investigation

Time at AG

Formal Discipline

FY 2020/21 Bureau of Security And Investigative Services Annual Enforcement Activity Summary

During FY 2020/21 the Bureau of Security And Investigative Services received 2,822 new Complaint Cases and 20,820 Conviction/Arrests Cases for a total of 23,642 new Enforcement Cases. Total case volume changed -6.4% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services referred 471 new cases to the Attorney General's Office, a -16.5% change from the previous fiscal year. The Bureau of Security And Investigative Services closed 90.9% of investigation cases within six months or less. The data was last updated 5/25/2023 9:47:15 PM



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from the enforcement activity section of the DCA annual reports. In some instances, the data contained in this interactive dashboard may differ from the information published in other reports due release timing and report methodology.

Annual Enforcement Statistics FY 2021/22

DCA Entity

Bureau of Security And Investigative Services

Fiscal Year

FY 2021/22

Processing Time Legend

Intake

Investigation

Time at AG

Formal Discipline

FY 2021/22 Bureau of Security And Investigative Services Annual Enforcement Activity Summary

During FY 2021/22 the Bureau of Security And Investigative Services received 3,772 new Complaint Cases and 24,335 Conviction/Arrests Cases for a total of 28,107 new Enforcement Cases. Total case volume changed 18.9% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services referred 253 new cases to the Attorney General's Office, a -46.3% change from the previous fiscal year. The Bureau of Security And Investigative Services closed 86.8% of investigation cases within six months or less. The data was last updated [5/25/2023 9:47:15 PM](#)



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from the enforcement activity section of the DCA annual reports. In some instances, the data contained in this interactive dashboard may differ from the information published in other reports due release timing and report methodology.

Annual Statistics: License Applications FY 2019/20

DCA Entity	License Type	License Applications (CY)	License Applications (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		87,122	92,362	▼ -5,240	▼ -5.67%
Bureau of Security And Investigative Services	Total	87,122	92,362	▼ -5,240	▼ -5.67%
	Alarm Company Branch Registration	47	90	▼ -43	▼ -47.78%
	Alarm Company Employee Registration	3,893	4,819	▼ -926	▼ -19.22%
	Alarm Company Operator Registration	149	121	▲ 28	▲ 23.14%
	Alarm Company Qualified Manager Registration	105	75	▲ 30	▲ 40.00%
	Baton Permit	2,986	4,806	▼ -1,820	▼ -37.87%
	Firearm Permit	10,700	10,424	▲ 276	▲ 2.65%
	Locksmith Company Branch Permit	9	13	▼ -4	▼ -30.77%
	Locksmith Company Operator Registration	234	222	▲ 12	▲ 5.41%
	Locksmith Employee Registration	367	335	▲ 32	▲ 9.55%
	Private Investigator	433	514	▼ -81	▼ -15.76%
	Private Investigator Branch	49	83	▼ -34	▼ -40.96%
	Private Patrol Operator	613	656	▼ -43	▼ -6.55%
	Private Patrol Operator Branch	75	114	▼ -39	▼ -34.21%
	Proprietary Private Security Officer	2,491	2,822	▼ -331	▼ -11.73%
	Proprietary Private Security Officer Employer	131	201	▼ -70	▼ -34.83%
	Repossessor Agency	12	41	▼ -29	▼ -70.73%
	Repossessor Agency Employee	163	242	▼ -79	▼ -32.64%
	Repossessor Agency Qualified Manager	31	19	▲ 12	▲ 63.16%
	Security Guard License	64,497	66,616	▼ -2,119	▼ -3.18%
	Training Facility Baton	13	25	▼ -12	▼ -48.00%
	Training Facility Baton Instructor	27	21	▲ 6	▲ 28.57%
	Training Facility Firearm	34	40	▼ -6	▼ -15.00%

New Applications Annual Change

- Increase
- Decrease
- No Change

Data last refreshed on 5/9/2023 10:06:29 PM

DCA Entity	License Type	License Applications (CY)	License Applications (PY)	Year-Over-Year Change	Year-Over-Year % Change
Bureau of Security And Investigative Services	Training Facility Firearm Instructor	63	63	0	0.00%

New Applications Annual Change

-  Increase
-  Decrease
-  No Change

Annual Statistics: License Applications FY 2020/21

DCA Entity	License Type	License Applications (CY)	License Applications (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		89,781	87,122	▲ 2,659	▲ 3.05%
Bureau of Security And Investigative Services	Total	89,781	87,122	▲ 2,659	▲ 3.05%
	Alarm Company Branch Registration	40	47	▼ -7	▼ -14.89%
	Alarm Company Employee Registration	4,640	3,893	▲ 747	▲ 19.19%
	Alarm Company Operator Registration	120	149	▼ -29	▼ -19.46%
	Alarm Company Qualified Manager Registration	56	105	▼ -49	▼ -46.67%
	Baton Permit	2,947	2,986	▼ -39	▼ -1.31%
	Firearm Permit	12,694	10,700	▲ 1,994	▲ 18.64%
	Locksmith Company Branch Permit	23	9	▲ 14	▲ 155.56%
	Locksmith Company Operator Registration	266	234	▲ 32	▲ 13.68%
	Locksmith Employee Registration	293	367	▼ -74	▼ -20.16%
	Private Investigator	344	433	▼ -89	▼ -20.55%
	Private Investigator Branch	31	49	▼ -18	▼ -36.73%
	Private Patrol Operator	658	613	▲ 45	▲ 7.34%
	Private Patrol Operator Branch	96	75	▲ 21	▲ 28.00%
	Proprietary Private Security Officer	1,916	2,491	▼ -575	▼ -23.08%
	Proprietary Private Security Officer Employer	145	131	▲ 14	▲ 10.69%
	Repossessor Agency	42	12	▲ 30	▲ 250.00%
	Repossessor Agency Employee	127	163	▼ -36	▼ -22.09%
	Repossessor Agency Qualified Manager	10	31	▼ -21	▼ -67.74%
	Security Guard License	65,176	64,497	▲ 679	▲ 1.05%
	Training Facility Baton	22	13	▲ 9	▲ 69.23%
	Training Facility Baton Instructor	27	27	0	0.00%
	Training Facility Firearm	35	34	▲ 1	▲ 2.94%

New Applications Annual Change

- Increase
- Decrease
- No Change

Data last refreshed on 5/9/2023 10:06:29 PM

DCA Entity	License Type	License Applications (CY)	License Applications (PY)	Year-Over-Year Change	Year-Over-Year % Change
Bureau of Security And Investigative Services	Training Facility Firearm Instructor	73	63	▲ 10	▲ 15.87%

New Applications Annual Change

- Increase
- Decrease
- No Change

Annual Statistics: License Applications FY 2021/22

DCA Entity	License Type	License Applications (CY)	License Applications (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		99,951	89,781	▲ 10,170	▲ 11.33%
Bureau of Security And Investigative Services	Total	99,951	89,781	▲ 10,170	▲ 11.33%
	Alarm Company Branch Registration	21	40	▼ -19	▼ -47.50%
	Alarm Company Employee Registration	4,031	4,640	▼ -609	▼ -13.13%
	Alarm Company Operator Registration	110	120	▼ -10	▼ -8.33%
	Alarm Company Qualified Manager Registration	91	56	▲ 35	▲ 62.50%
	Baton Permit	4,476	2,947	▲ 1,529	▲ 51.88%
	Firearm Permit	10,284	12,694	▼ -2,410	▼ -18.99%
	Locksmith Company Branch Permit	8	23	▼ -15	▼ -65.22%
	Locksmith Company Operator Registration	262	266	▼ -4	▼ -1.50%
	Locksmith Employee Registration	275	293	▼ -18	▼ -6.14%
	Private Investigator	326	344	▼ -18	▼ -5.23%
	Private Investigator Branch	27	31	▼ -4	▼ -12.90%
	Private Patrol Operator	688	658	▲ 30	▲ 4.56%
	Private Patrol Operator Branch	122	96	▲ 26	▲ 27.08%
	Proprietary Private Security Officer	3,188	1,916	▲ 1,272	▲ 66.39%
	Proprietary Private Security Officer Employer	241	145	▲ 96	▲ 66.21%
	Repossessor Agency	30	42	▼ -12	▼ -28.57%
	Repossessor Agency Employee	126	127	▼ -1	▼ -0.79%
	Repossessor Agency Qualified Manager	35	10	▲ 25	▲ 250.00%
	Security Guard License	75,441	65,176	▲ 10,265	▲ 15.75%
	Training Facility Baton	26	22	▲ 4	▲ 18.18%
	Training Facility Baton Instructor	36	27	▲ 9	▲ 33.33%
	Training Facility Firearm	33	35	▼ -2	▼ -5.71%
	Training Facility Firearm Instructor	74	73	▲ 1	▲ 1.37%

New Applications Annual Change

■ Increase

■ Decrease

Annual Statistics : Active Licenses FY 2019/20

DCA Entity	License Type	License Population (CY)	License Population (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		412,071	416,485	▼ -4,414	▼ -1.06%
Bureau of Security And Investigative Services	Total	412,071	416,485	▼ -4,414	▼ -1.06%
	Alarm Company Branch Registration	235	271	▼ -36	▼ -13.28%
	Alarm Company Employee Registration	17,154	17,861	▼ -707	▼ -3.96%
	Alarm Company Operator Registration	1,810	1,872	▼ -62	▼ -3.31%
	Alarm Company Qualified Manager Re..	1,843	1,895	▼ -52	▼ -2.74%
	Baton Permit	34,718	35,593	▼ -875	▼ -2.46%
	Firearm Permit	37,458	41,976	▼ -4,518	▼ -10.76%
	Locksmith Company Branch Permit	50	49	▲ 1	▲ 2.04%
	Locksmith Company Operator Registration	2,174	2,539	▼ -365	▼ -14.38%
	Locksmith Employee Registration	2,132	2,242	▼ -110	▼ -4.91%
	Private Investigator	8,329	8,654	▼ -325	▼ -3.76%
	Private Investigator Branch	171	163	▲ 8	▲ 4.91%
	Private Patrol Operator	2,477	2,418	▲ 59	▲ 2.44%
	Private Patrol Operator Branch	341	339	▲ 2	▲ 0.59%
	Proprietary Private Security Officer	7,151	7,164	▼ -13	▼ -0.18%
	Proprietary Private Security Officer Empl..	607	591	▲ 16	▲ 2.71%
	Repossessor Agency	268	284	▼ -16	▼ -5.63%
	Repossessor Agency Employee	696	740	▼ -44	▼ -5.95%
	Repossessor Agency Qualified Manager	264	279	▼ -15	▼ -5.38%
	Security Guard License	292,883	290,254	▲ 2,629	▲ 0.91%
	Training Facility Baton	164	162	▲ 2	▲ 1.23%
	Training Facility Baton Instructor	199	201	▼ -2	▼ -1.00%
	Training Facility Firearm	336	338	▼ -2	▼ -0.59%
	Training Facility Firearm Instructor	611	600	▲ 11	▲ 1.83%

Active License Population Annual Change

▲ Increase
▼ Decrease

Annual Statistics : Active Licenses FY 2020/21

DCA Entity	License Type	License Population (CY)	License Population (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		415,847	412,071	▲ 3,776	▲ 0.92%
Bureau of Security And Investigative Services	Total	415,847	412,071	▲ 3,776	▲ 0.92%
	Alarm Company Branch Registration	264	235	▲ 29	▲ 12.34%
	Alarm Company Employee Registration	16,824	17,154	▼ -330	▼ -1.92%
	Alarm Company Operator Registration	1,727	1,810	▼ -83	▼ -4.59%
	Alarm Company Qualified Manager Re..	1,791	1,843	▼ -52	▼ -2.82%
	Baton Permit	34,448	34,718	▼ -270	▼ -0.78%
	Firearm Permit	39,232	37,458	▲ 1,774	▲ 4.74%
	Locksmith Company Branch Permit	61	50	▲ 11	▲ 22.00%
	Locksmith Company Operator Registration	2,136	2,174	▼ -38	▼ -1.75%
	Locksmith Employee Registration	2,066	2,132	▼ -66	▼ -3.10%
	Private Investigator	7,896	8,329	▼ -433	▼ -5.20%
	Private Investigator Branch	162	171	▼ -9	▼ -5.26%
	Private Patrol Operator	2,492	2,477	▲ 15	▲ 0.61%
	Private Patrol Operator Branch	369	341	▲ 28	▲ 8.21%
	Proprietary Private Security Officer	6,046	7,151	▼ -1,105	▼ -15.45%
	Proprietary Private Security Officer Empl..	564	607	▼ -43	▼ -7.08%
	Repossessor Agency	254	268	▼ -14	▼ -5.22%
	Repossessor Agency Employee	552	696	▼ -144	▼ -20.69%
	Repossessor Agency Qualified Manager	256	264	▼ -8	▼ -3.03%
	Security Guard License	297,396	292,883	▲ 4,513	▲ 1.54%
	Training Facility Baton	164	164	0	0.00%
	Training Facility Baton Instructor	202	199	▲ 3	▲ 1.51%
	Training Facility Firearm	333	336	▼ -3	▼ -0.89%
	Training Facility Firearm Instructor	612	611	▲ 1	▲ 0.16%

Active License Population Annual Change

■ Increase
■ Decrease
■ No Change

Annual Statistics : Active Licenses FY 2021/22

DCA Entity	License Type	License Population (CY)	License Population (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		420,671	415,847	▲ 4,824	▲ 1.16%
Bureau of Security And Investigative Services	Total	420,671	415,847	▲ 4,824	▲ 1.16%
	Alarm Company Branch Registration	242	264	▼ -22	▼ -8.33%
	Alarm Company Employee Registration	15,945	16,824	▼ -879	▼ -5.22%
	Alarm Company Operator Registration	1,652	1,727	▼ -75	▼ -4.34%
	Alarm Company Qualified Manager Re..	1,725	1,791	▼ -66	▼ -3.69%
	Baton Permit	35,434	34,448	▲ 986	▲ 2.86%
	Firearm Permit	40,363	39,232	▲ 1,131	▲ 2.88%
	Locksmith Company Branch Permit	53	61	▼ -8	▼ -13.11%
	Locksmith Company Operator Registration	2,145	2,136	▲ 9	▲ 0.42%
	Locksmith Employee Registration	1,926	2,066	▼ -140	▼ -6.78%
	Private Investigator	7,252	7,896	▼ -644	▼ -8.16%
	Private Investigator Branch	153	162	▼ -9	▼ -5.56%
	Private Patrol Operator	2,682	2,492	▲ 190	▲ 7.62%
	Private Patrol Operator Branch	390	369	▲ 21	▲ 5.69%
	Proprietary Private Security Officer	6,413	6,046	▲ 367	▲ 6.07%
	Proprietary Private Security Officer Empl..	612	564	▲ 48	▲ 8.51%
	Repossessor Agency	225	254	▼ -29	▼ -11.42%
	Repossessor Agency Employee	454	552	▼ -98	▼ -17.75%
	Repossessor Agency Qualified Manager	240	256	▼ -16	▼ -6.25%
	Security Guard License	301,440	297,396	▲ 4,044	▲ 1.36%
	Training Facility Baton	168	164	▲ 4	▲ 2.44%
	Training Facility Baton Instructor	198	202	▼ -4	▼ -1.98%
	Training Facility Firearm	342	333	▲ 9	▲ 2.70%
	Training Facility Firearm Instructor	617	612	▲ 5	▲ 0.82%

Active License Population Annual Change

■ Increase
■ Decrease

Annual Statistics : New Licenses FY 2019/20

DCA Entity	License Type	New Licenses Issued (CY)	New Licenses Issued (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		74,522	80,394	▼ -5,872	▼ -7.30%
Bureau of Security And Investigative Services	Total	74,522	80,394	▼ -5,872	▼ -7.30%
	Alarm Company Branch Registration	25	53	▼ -28	▼ -52.83%
	Alarm Company Employee Registration	3,774	4,179	▼ -405	▼ -9.69%
	Alarm Company Operator Registration	81	94	▼ -13	▼ -13.83%
	Alarm Company Qualified Manager Registration	40	68	▼ -28	▼ -41.18%
	Baton Permit	2,986	4,806	▼ -1,820	▼ -37.87%
	Firearm Permit	5,552	6,318	▼ -766	▼ -12.12%
	Locksmith Company Branch Permit	7	11	▼ -4	▼ -36.36%
	Locksmith Company Operator Registration	179	220	▼ -41	▼ -18.64%
	Locksmith Employee Registration	317	266	▲ 51	▲ 19.17%
	Private Investigator	253	322	▼ -69	▼ -21.43%
	Private Investigator Branch	39	50	▼ -11	▼ -22.00%
	Private Patrol Operator	262	332	▼ -70	▼ -21.08%
	Private Patrol Operator Branch	49	72	▼ -23	▼ -31.94%
	Proprietary Private Security Officer	2,000	2,342	▼ -342	▼ -14.60%
	Proprietary Private Security Officer Employer	93	115	▼ -22	▼ -19.13%
	Repossessor Agency	6	43	▼ -37	▼ -86.05%
	Repossessor Agency Employee	156	201	▼ -45	▼ -22.39%
	Repossessor Agency Qualified Manager	2	16	▼ -14	▼ -87.50%
	Security Guard License	58,605	60,798	▼ -2,193	▼ -3.61%
	Training Facility Baton	15	12	▲ 3	▲ 25.00%
	Training Facility Baton Instructor	17	8	▲ 9	▲ 112.50%
	Training Facility Firearm	17	30	▼ -13	▼ -43.33%
	Training Facility Firearm Instructor	47	38	▲ 9	▲ 23.68%

New Licenses Issued Annual Change

▲ Increase
▼ Decrease

Annual Statistics : New Licenses FY 2020/21

DCA Entity	License Type	New Licenses Issued (CY)	New Licenses Issued (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		75,584	74,522	▲ 1,062	▲ 1.43%
Bureau of Security And Investigative Services	Total	75,584	74,522	▲ 1,062	▲ 1.43%
	Alarm Company Branch Registration	33	25	▲ 8	▲ 32.00%
	Alarm Company Employee Registration	4,064	3,774	▲ 290	▲ 7.68%
	Alarm Company Operator Registration	47	81	▼ -34	▼ -41.98%
	Alarm Company Qualified Manager Registration	45	40	▲ 5	▲ 12.50%
	Baton Permit	3,411	2,986	▲ 425	▲ 14.23%
	Firearm Permit	7,666	5,552	▲ 2,114	▲ 38.08%
	Locksmith Company Branch Permit	17	7	▲ 10	▲ 142.86%
	Locksmith Company Operator Registration	169	179	▼ -10	▼ -5.59%
	Locksmith Employee Registration	224	317	▼ -93	▼ -29.34%
	Private Investigator	212	253	▼ -41	▼ -16.21%
	Private Investigator Branch	31	39	▼ -8	▼ -20.51%
	Private Patrol Operator	294	262	▲ 32	▲ 12.21%
	Private Patrol Operator Branch	77	49	▲ 28	▲ 57.14%
	Proprietary Private Security Officer	1,183	2,000	▼ -817	▼ -40.85%
	Proprietary Private Security Officer Employer	48	93	▼ -45	▼ -48.39%
	Repossessor Agency	36	6	▲ 30	▲ 500.00%
	Repossessor Agency Employee	98	156	▼ -58	▼ -37.18%
	Repossessor Agency Qualified Manager	7	2	▲ 5	▲ 250.00%
	Security Guard License	57,818	58,605	▼ -787	▼ -1.34%
	Training Facility Baton	14	15	▼ -1	▼ -6.67%
	Training Facility Baton Instructor	19	17	▲ 2	▲ 11.76%
	Training Facility Firearm	28	17	▲ 11	▲ 64.71%
	Training Facility Firearm Instructor	43	47	▼ -4	▼ -8.51%

New Licenses Issued Annual Change

■ Increase
■ Decrease

Annual Statistics : New Licenses FY 2021/22

DCA Entity	License Type	New Licenses Issued (CY)	New Licenses Issued (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		84,982	75,584	▲ 9,398	▲ 12.43%
Bureau of Security And Investigative Services	Total	84,982	75,584	▲ 9,398	▲ 12.43%
	Alarm Company Branch Registration	13	33	▼ -20	▼ -60.61%
	Alarm Company Employee Registration	3,659	4,064	▼ -405	▼ -9.97%
	Alarm Company Operator Registration	46	47	▼ -1	▼ -2.13%
	Alarm Company Qualified Manager Registration	34	45	▼ -11	▼ -24.44%
	Baton Permit	4,436	3,411	▲ 1,025	▲ 30.05%
	Firearm Permit	7,581	7,666	▼ -85	▼ -1.11%
	Locksmith Company Branch Permit	5	17	▼ -12	▼ -70.59%
	Locksmith Company Operator Registration	184	169	▲ 15	▲ 8.88%
	Locksmith Employee Registration	226	224	▲ 2	▲ 0.89%
	Private Investigator	139	212	▼ -73	▼ -34.43%
	Private Investigator Branch	15	31	▼ -16	▼ -51.61%
	Private Patrol Operator	301	294	▲ 7	▲ 2.38%
	Private Patrol Operator Branch	78	77	▲ 1	▲ 1.30%
	Proprietary Private Security Officer	2,340	1,183	▲ 1,157	▲ 97.80%
	Proprietary Private Security Officer Employer	112	48	▲ 64	▲ 133.33%
	Repossessor Agency	13	36	▼ -23	▼ -63.89%
	Repossessor Agency Employee	103	98	▲ 5	▲ 5.10%
	Repossessor Agency Qualified Manager	4	7	▼ -3	▼ -42.86%
	Security Guard License	65,586	57,818	▲ 7,768	▲ 13.44%
	Training Facility Baton	15	14	▲ 1	▲ 7.14%
	Training Facility Baton Instructor	14	19	▼ -5	▼ -26.32%
	Training Facility Firearm	25	28	▼ -3	▼ -10.71%
	Training Facility Firearm Instructor	53	43	▲ 10	▲ 23.26%

New Licenses Issued Annual Change

■ Increase
■ Decrease

Annual Statistics: Renewed Licenses FY 2019/20

DCA Entity	License Type	Renewed Licenses (CY)	Renewed Licenses (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		119,186	111,942	▲ 7,244	▲ 6.47%
Bureau of Security And Investigative Services	Total	119,186	111,942	▲ 7,244	▲ 6.47%
	Alarm Company Branch Registration	127	64	▲ 63	▲ 98.44%
	Alarm Company Employee Registration	4,528	4,435	▲ 93	▲ 2.10%
	Alarm Company Operator Registration	838	858	▼ -20	▼ -2.33%
	Alarm Company Qualified Manager R..	925	862	▲ 63	▲ 7.31%
	Firearm Permit	14,207	11,807	▲ 2,400	▲ 20.33%
	Locksmith Company Branch Permit	27	8	▲ 19	▲ 237.50%
	Locksmith Company Operator Registration	911	886	▲ 25	▲ 2.82%
	Locksmith Employee Registration	670	854	▼ -184	▼ -21.55%
	Private Investigator	3,961	3,897	▲ 64	▲ 1.64%
	Private Investigator Branch	43	49	▼ -6	▼ -12.24%
	Private Patrol Operator	1,138	1,050	▲ 88	▲ 8.38%
	Private Patrol Operator Branch	98	146	▼ -48	▼ -32.88%
	Proprietary Private Security Officer	1,363	1,283	▲ 80	▲ 6.24%
	Proprietary Private Security Officer Empl..	174	245	▼ -71	▼ -28.98%
	Repossessor Agency	137	122	▲ 15	▲ 12.30%
	Repossessor Agency Employee	304	269	▲ 35	▲ 13.01%
	Repossessor Agency Qualified Manager	113	156	▼ -43	▼ -27.56%
	Security Guard License	89,035	84,453	▲ 4,582	▲ 5.43%
	Training Facility Baton	69	71	▼ -2	▼ -2.82%
	Training Facility Baton Instructor	89	61	▲ 28	▲ 45.90%
	Training Facility Firearm	144	137	▲ 7	▲ 5.11%
	Training Facility Firearm Instructor	285	229	▲ 56	▲ 24.45%

Renewed Licenses Annual Change

■ Increase
■ Decrease

Annual Statistics: Renewed Licenses FY 2020/21

DCA Entity	License Type	Renewed Licenses (CY)	Renewed Licenses (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		119,388	119,186	▲ 202	▲ 0.17%
Bureau of Security And Investigative Services	Total	119,388	119,186	▲ 202	▲ 0.17%
	Alarm Company Branch Registration	93	127	▼ -34	▼ -26.77%
	Alarm Company Employee Registration	4,195	4,528	▼ -333	▼ -7.35%
	Alarm Company Operator Registration	833	838	▼ -5	▼ -0.60%
	Alarm Company Qualified Manager R..	824	925	▼ -101	▼ -10.92%
	Firearm Permit	14,426	14,207	▲ 219	▲ 1.54%
	Locksmith Company Branch Permit	12	27	▼ -15	▼ -55.56%
	Locksmith Company Operator Registration	954	911	▲ 43	▲ 4.72%
	Locksmith Employee Registration	837	670	▲ 167	▲ 24.93%
	Private Investigator	3,604	3,961	▼ -357	▼ -9.01%
	Private Investigator Branch	61	43	▲ 18	▲ 41.86%
	Private Patrol Operator	1,158	1,138	▲ 20	▲ 1.76%
	Private Patrol Operator Branch	153	98	▲ 55	▲ 56.12%
	Proprietary Private Security Officer	1,500	1,363	▲ 137	▲ 10.05%
	Proprietary Private Security Officer Empl..	256	174	▲ 82	▲ 47.13%
	Repossessor Agency	104	137	▼ -33	▼ -24.09%
	Repossessor Agency Employee	200	304	▼ -104	▼ -34.21%
	Repossessor Agency Qualified Manager	140	113	▲ 27	▲ 23.89%
	Security Guard License	89,518	89,035	▲ 483	▲ 0.54%
	Training Facility Baton	66	69	▼ -3	▼ -4.35%
	Training Facility Baton Instructor	77	89	▼ -12	▼ -13.48%
	Training Facility Firearm	140	144	▼ -4	▼ -2.78%
	Training Facility Firearm Instructor	237	285	▼ -48	▼ -16.84%

Renewed Licenses Annual Change

■ Increase

■ Decrease

Annual Statistics: Renewed Licenses FY 2021/22

DCA Entity	License Type	Renewed Licenses (CY)	Renewed Licenses (PY)	Year-Over-Year Change	Year-Over-Year % Change
Grand Total		113,286	119,388	▼ -6,102	▼ -5.11%
Bureau of Security And Investigative Services	Total	113,286	119,388	▼ -6,102	▼ -5.11%
	Alarm Company Branch Registration	124	93	▲ 31	▲ 33.33%
	Alarm Company Employee Registration	3,636	4,195	▼ -559	▼ -13.33%
	Alarm Company Operator Registration	795	833	▼ -38	▼ -4.56%
	Alarm Company Qualified Manager R..	856	824	▲ 32	▲ 3.88%
	Firearm Permit	13,881	14,426	▼ -545	▼ -3.78%
	Locksmith Company Branch Permit	19	12	▲ 7	▲ 58.33%
	Locksmith Company Operator Registration	906	954	▼ -48	▼ -5.03%
	Locksmith Employee Registration	632	837	▼ -205	▼ -24.49%
	Private Investigator	3,469	3,604	▼ -135	▼ -3.75%
	Private Investigator Branch	53	61	▼ -8	▼ -13.11%
	Private Patrol Operator	1,187	1,158	▲ 29	▲ 2.50%
	Private Patrol Operator Branch	117	153	▼ -36	▼ -23.53%
	Proprietary Private Security Officer	1,379	1,500	▼ -121	▼ -8.07%
	Proprietary Private Security Officer Empl..	198	256	▼ -58	▼ -22.66%
	Repossessor Agency	108	104	▲ 4	▲ 3.85%
	Repossessor Agency Employee	188	200	▼ -12	▼ -6.00%
	Repossessor Agency Qualified Manager	107	140	▼ -33	▼ -23.57%
	Security Guard License	85,081	89,518	▼ -4,437	▼ -4.96%
	Training Facility Baton	62	66	▼ -4	▼ -6.06%
	Training Facility Baton Instructor	87	77	▲ 10	▲ 12.99%
	Training Facility Firearm	139	140	▼ -1	▼ -0.71%
	Training Facility Firearm Instructor	262	237	▲ 25	▲ 10.55%

Renewed Licenses Annual Change

■ Increase
■ Decrease

Select a Fiscal Year
FY 2019/20

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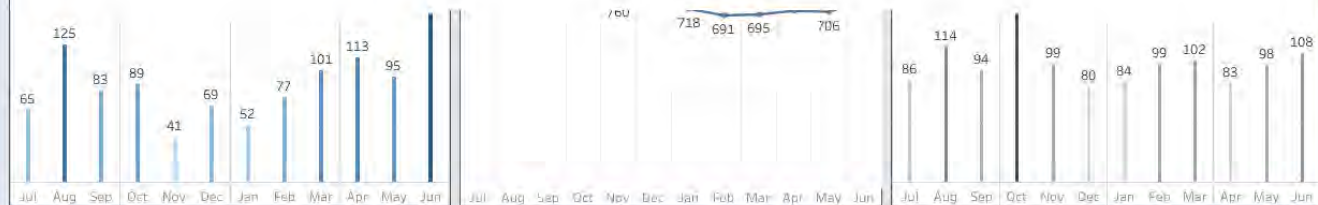


FY 2020 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2020	863	79	106	312 Days	180 Days	▲ 132 Days
May 2020	890	45	73	356 Days	180 Days	▲ 176 Days
April 2020	917	58	107	323 Days	180 Days	▲ 143 Days
March 2020	964	87	96	286 Days	180 Days	▲ 106 Days
February 2020	972	103	90	300 Days	180 Days	▲ 120 Days
January 2020	959	99	86	318 Days	180 Days	▲ 138 Days
December 2019	946	75	85	301 Days	180 Days	▲ 121 Days
November 2019	956	73	97	280 Days	180 Days	▲ 100 Days
October 2019	980	106	107	367 Days	180 Days	▲ 187 Days
September 2019	981	77	84	374 Days	180 Days	▲ 194 Days
August 2019	988	83	83	348 Days	180 Days	▲ 168 Days
July 2019	988	67	79	336 Days	180 Days	▲ 156 Days

Select a Fiscal Year
FY 2020/21

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FY 2021 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2021	752	153	108	228 Days	180 Days	▲ 48 Days
May 2021	706	95	98	286 Days	180 Days	▲ 106 Days
April 2021	710	113	83	319 Days	180 Days	▲ 139 Days
March 2021	695	101	102	300 Days	180 Days	▲ 120 Days
February 2021	691	77	99	352 Days	180 Days	▲ 172 Days
January 2021	718	52	84	343 Days	180 Days	▲ 163 Days
December 2020	748	69	80	253 Days	180 Days	▲ 73 Days
November 2020	760	41	99	307 Days	180 Days	▲ 127 Days
October 2020	809	89	142	352 Days	180 Days	▲ 172 Days
September 2020	845	83	94	358 Days	180 Days	▲ 178 Days
August 2020	856	125	114	305 Days	180 Days	▲ 125 Days
July 2020	845	65	86	358 Days	180 Days	▲ 178 Days

Select a Fiscal Year
FY 2021/22

Data last refreshed on 7/25/2023 11:44:05 PM



FY 2022 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2022	855	81	117	306 Days	180 Days	▲ 126 Days
May 2022	860	81	82	321 Days	180 Days	▲ 141 Days
April 2022	890	84	92	225 Days	180 Days	▲ 45 Days
March 2022	897	98	86	326 Days	180 Days	▲ 146 Days
February 2022	886	43	61	234 Days	180 Days	▲ 54 Days
January 2022	903	82	66	261 Days	180 Days	▲ 81 Days
December 2021	887	94	88	291 Days	180 Days	▲ 111 Days
November 2021	876	76	71	206 Days	180 Days	▲ 26 Days
October 2021	870	128	94	247 Days	180 Days	▲ 67 Days
September 2021	837	100	69	245 Days	180 Days	▲ 65 Days
August 2021	807	108	85	219 Days	180 Days	▲ 39 Days
July 2021	782	96	64	306 Days	180 Days	▲ 126 Days

Select a Fiscal Year
FY 2022/23

Data last refreshed on 7/25/2023 11:44:05 PM



FY 2023 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2023	823	104	79	287 Days	180 Days	▲ 107 Days
May 2023	798	110	60	350 Days	180 Days	▲ 170 Days
April 2023	744	90	63	302 Days	180 Days	▲ 122 Days
March 2023	717	80	80	344 Days	180 Days	▲ 164 Days
February 2023	718	81	85	342 Days	180 Days	▲ 162 Days
January 2023	722	78	109	278 Days	180 Days	▲ 98 Days
December 2022	753	77	126	222 Days	180 Days	▲ 42 Days
November 2022	802	67	90	255 Days	180 Days	▲ 75 Days
October 2022	825	88	116	257 Days	180 Days	▲ 77 Days
September 2022	847	88	89	312 Days	180 Days	▲ 132 Days
August 2022	848	152	127	279 Days	180 Days	▲ 99 Days
July 2022	825	61	91	325 Days	180 Days	▲ 145 Days

FY 2019/20 Bureau of Security And Investigative Services Administrative Actions Summary

During FY 2019/20 the Bureau of Security And Investigative Services imposed formal administrative actions including citations and fines on 4,575 licenses. Total Administrative Actions changed 12.1% from the previous fiscal year. During the same period the Bureau of Security And Investigative Services issued 103 citations, a 186.1% change from the previous fiscal year.

Bureau of Security And Investigative Services Administrative Actions

Application Denied	Revoked License	Surrendered License	Probation with Suspe...	Suspended License	Probation	Public Reprimand	Other Decisions	Total
3,606	181	6	0	760	13	0	9	4,575

Bureau of Security And Investigative Services Citations & Fines

CY Citations & Fines	PY Citations & Fines	Variance Citations & Fines	CY Fines Imposed	PY Fines Imposed	Variance Fines Imposed
103	36	▲ 67	\$243,836	\$91,840	▲ \$151,996



FY 2020/21 Bureau of Security And Investigative Services Administrative Actions Summary

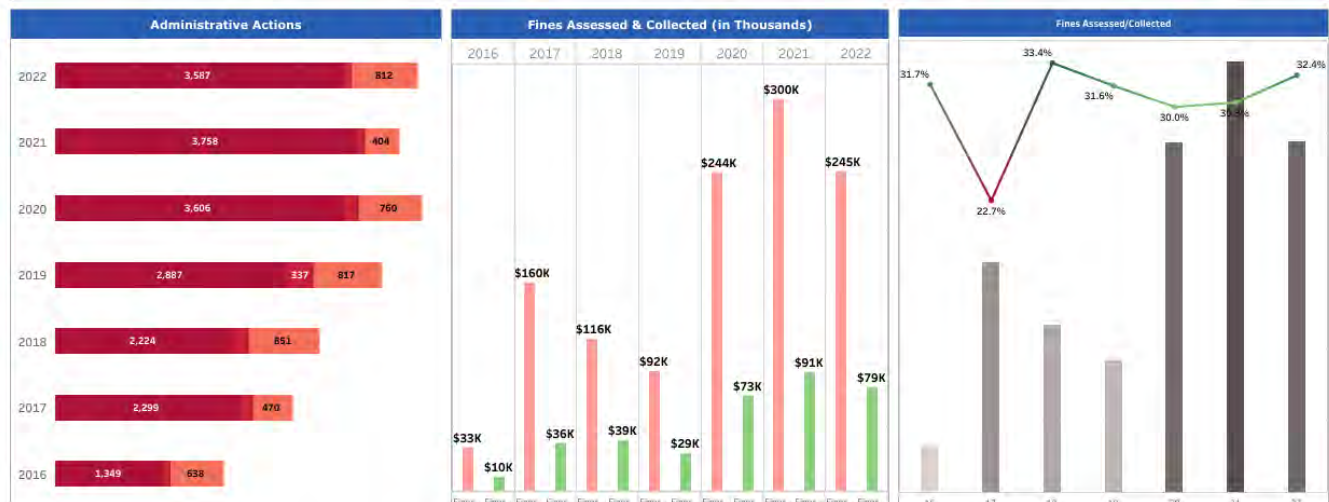
During FY 2020/21 the Bureau of Security And Investigative Services imposed formal administrative actions including citations and fines on 4,288 licenses. Total Administrative Actions changed -6.3% from the previous fiscal year. During the same period the Bureau of Security And Investigative Services issued 108 citations, a 4.9% change from the previous fiscal year.

Bureau of Security And Investigative Services Administrative Actions

Application Denied	Revoked License	Surrendered License	Probation with Suspe...	Suspended License	Probation	Public Reprimand	Other Decisions	Total
3,758	103	2	0	404	16	0	5	4,288

Bureau of Security And Investigative Services Citations & Fines

CY Citations & Fines	PY Citations & Fines	Variance Citations & Fines	CY Fines Imposed	PY Fines Imposed	Variance Fines Imposed
108	103	▲ 5	\$299,900	\$243,836	▲ \$56,064



FY 2021/22 Bureau of Security And Investigative Services Administrative Actions Summary

During FY 2021/22 the Bureau of Security And Investigative Services imposed formal administrative actions including citations and fines on 4,507 licenses. Total Administrative Actions changed 5,1% from the previous fiscal year. During the same period the Bureau of Security And Investigative Services issued 90 citations; a -16,7% change from the previous fiscal year.

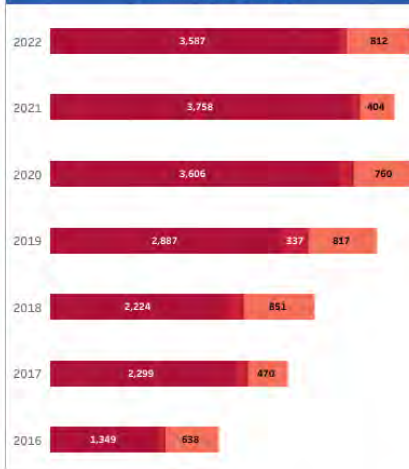
Bureau of Security And Investigative Services Administrative Actions

Application Denied	Revoked License	Surrendered License	Probation with Suspe..	Suspended License	Probation	Public Reprimand	Other Decisions	Total
3,587	102	0	0	812	6	0	0	4,507

Bureau of Security And Investigative Services Citations & Fines

CY Citations & Fines	PY Citations & Fines	Variance Citations & Fines	CY Fines Imposed	PY Fines Imposed	Variance Fines Imposed
90	108	▼ -18	\$244,500	\$299,900	▼ -\$55,400

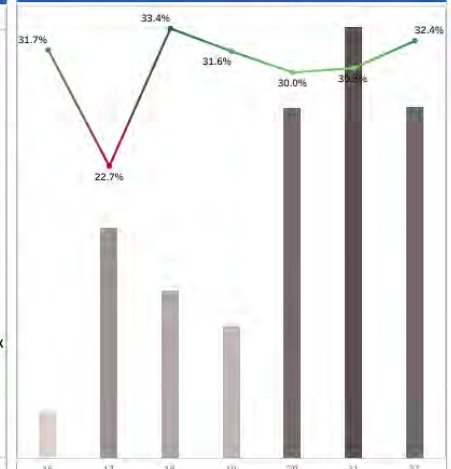
Administrative Actions



Fines Assessed & Collected (in Thousands)



Fines Assessed/Collected



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2019/20

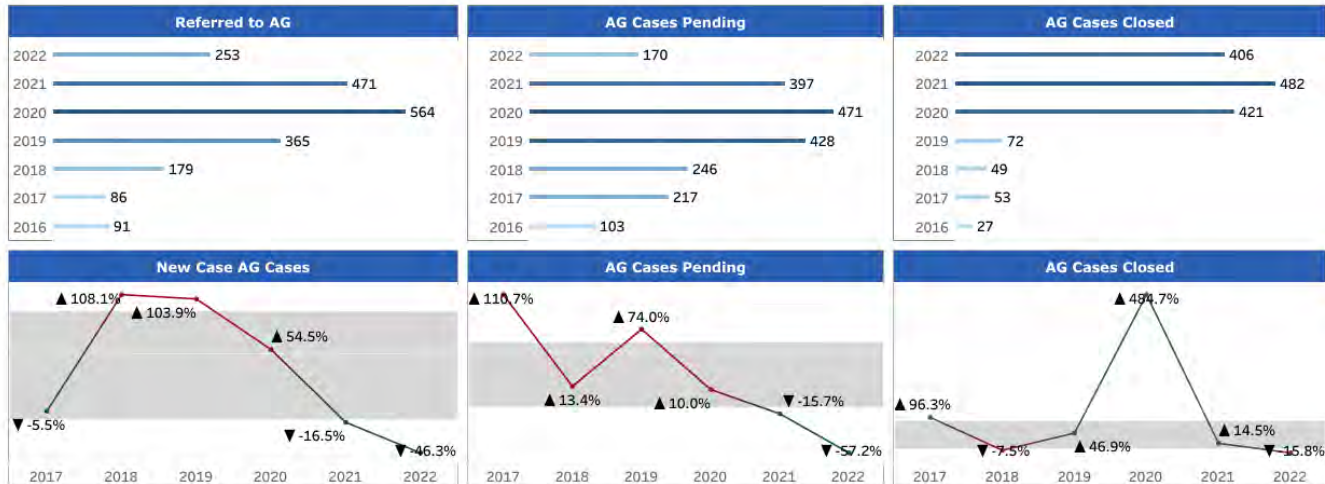
FY 2019/20 Bureau of Security And Investigative Services Attorney General Office Cases

During FY 2019/20 the Bureau of Security And Investigative Services referred 564 new cases to the Attorney General's Office (AGO) and closed 421 AGO Referred Cases, Total new cases referred to AGO changed 54.5% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 471 pending AGO referred cases, a 10.0% change from the previous fiscal year. During FY 2019/20, 75.5% of AGO referred cases were closed within 1 Year or Less; 15.6% were closed within 1-2 Years; 6.2% were closed within 2-3 Years; and 1.7% were closed more than 3+ years after the case was first received.

Referred to AG				AG Cases Pending				AG Cases Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
564	365	▲ 199	▲ 54.5%	471	428	▲ 43	▲ 10.0%	421	72	▲ 349	▲ 484.7%

Bureau of Security And Investigative Services AG Cases Closed by Cycle Time

! Current Year AG Case Closure less than 1 Year	! Current Year AG Case Closure 1 to 2 Years	! Current Year AG Case Closure 2 to 3 Years	! Current Year AG Case Closure over 3 Years
318	70	26	7



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2020/21

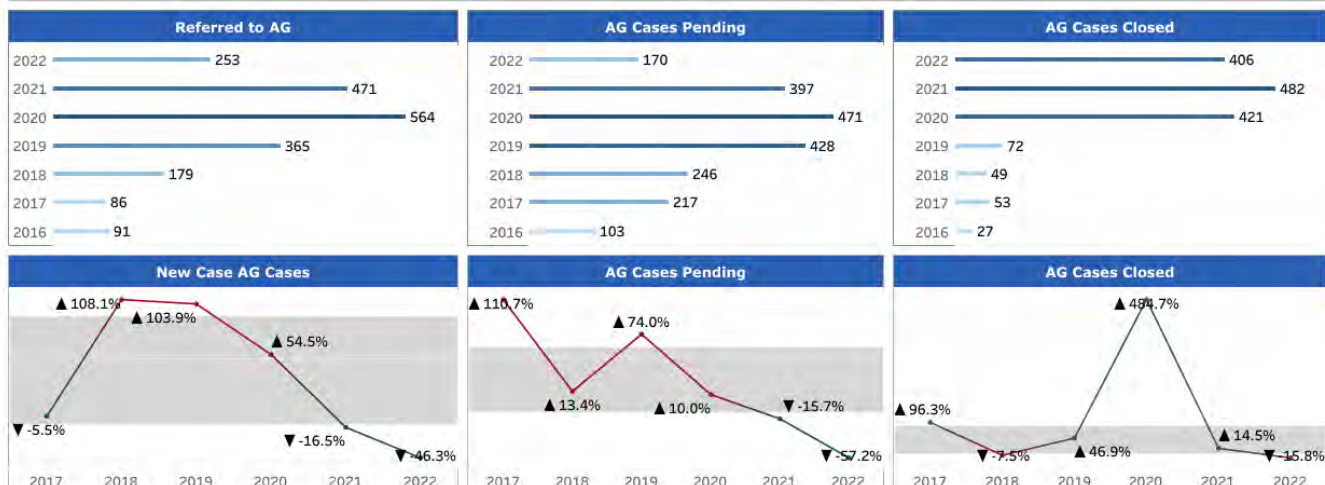
FY 2020/21 Bureau of Security And Investigative Services Attorney General Office Cases

During FY 2020/21 the Bureau of Security And Investigative Services referred 471 new cases to the Attorney General's Office (AGO) and closed 482 AGO Referred Cases, Total new cases referred to AGO changed -16.5% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 397 pending AGO referred cases, a -15.7% change from the previous fiscal year. During FY 2020/21, 58.7% of AGO referred cases were closed within 1 Year or Less; 35.7% were closed within 1-2 Years; 4.6% were closed within 2-3 Years; and 0.0% were closed more than 3+ years after the case was first received.

Referred to AG				AG Cases Pending				AG Cases Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
471	564	▼ -93	▼ -16.5%	397	471	▼ -74	▼ -15.7%	482	421	▲ 61	▲ 14.5%

Bureau of Security And Investigative Services AG Cases Closed by Cycle Time

! Current Year AG Case Closure less than 1 Year	! Current Year AG Case Closure 1 to 2 Years	! Current Year AG Case Closure 2 to 3 Years	! Current Year AG Case Closure over 3 Years
283	177	22	0



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2021/22

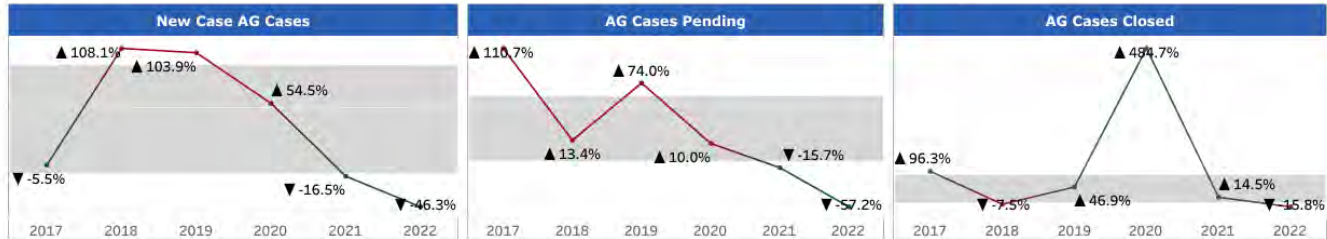
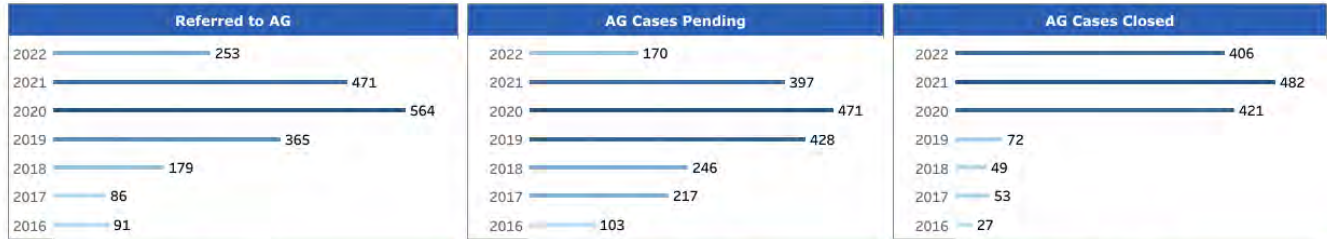
FY 2021/22 Bureau of Security And Investigative Services Attorney General Office Cases

During FY 2021/22 the Bureau of Security And Investigative Services referred 253 new cases to the Attorney General's Office (AGO) and closed 406 AGO Referred Cases. Total new cases referred to AGO changed -46.3% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 170 pending AGO referred cases, a -57.2% change from the previous fiscal year. During FY 2021/22, 58.1% of AGO referred cases were closed within 1 Year or Less; 36.2% were closed within 1-2 Years; 4.4% were closed within 2-3 Years; and 1.2% were closed more than 3+ years after the case was first received.

Referred to AG				AG Cases Pending				AG Cases Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
253	471	▼ -218	▼ -46.3%	170	397	▼ -227	▼ -57.2%	406	482	▼ -76	▼ -15.8%

Bureau of Security And Investigative Services AG Cases Closed by Cycle Time

! Current Year AG Case Closure less than 1 Year	! Current Year AG Case Closure 1 to 2 Years	! Current Year AG Case Closure 2 to 3 Years	! Current Year AG Case Closure over 3 Years
236	147	18	5



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2019/20

FY 2019/20 Bureau of Security And Investigative Services Enforcement Case Intake Summary

During FY 2019/20 the Bureau of Security And Investigative Services received 2,844 new Complaint Cases and 22,415 Conviction/Arrests Cases for a total of 25,259 new Enforcement Cases. Total case volume changed -8.5% from the previous fiscal year volume. New Complaint Cases received was 11.3% of total and new Conviction/Arrest Cases was 88.7% of all new cases received in FY 2019/20. During the same period the Bureau of Security And Investigative Services reported 1,514 pending cases, a -31.7% change from the previous fiscal year.

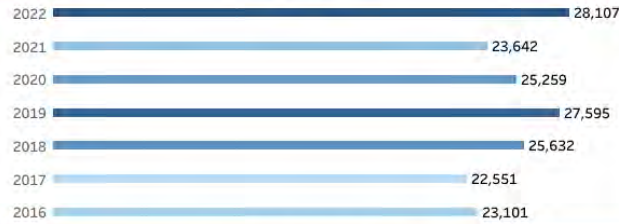
FY 2019/20 Bureau of Security And Investigative Services New Case Intake

Current Year	Prior Year	Variance	% Change
25,259	27,595	▼ -2,336	▼ -8.5%

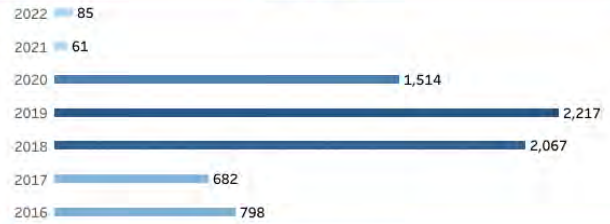
FY 2019/20 Bureau of Security And Investigative Services Pending Cases

Current Year	Prior Year	Variance	% Change
1,514	2,217	▼ -703	▼ -31.7%

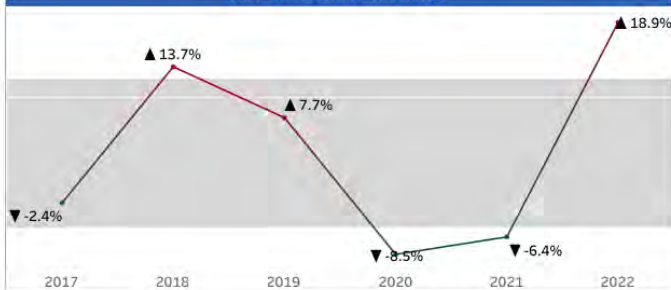
New Cases



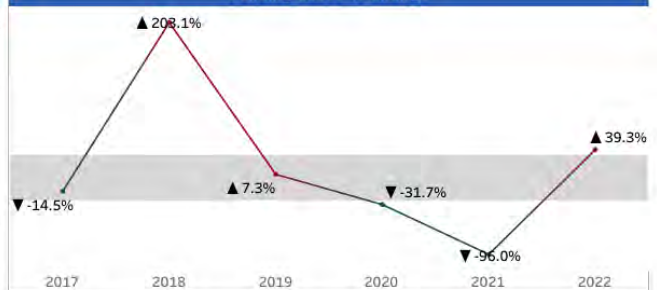
Pending Cases



New Case Intake % Change



Pending Cases % Change



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2020/21

FY 2020/21 Bureau of Security And Investigative Services Enforcement Case Intake Summary

During FY 2020/21 the Bureau of Security And Investigative Services received 2,822 new Complaint Cases and 20,820 Conviction/Arrests Cases for a total of 23,642 new Enforcement Cases. Total case volume changed -6.4% from the previous fiscal year volume. New Complaint Cases received was 11.9% of total and new Conviction/Arrest Cases was 88.1% of all new cases received in FY 2020/21. During the same period the Bureau of Security And Investigative Services reported 61 pending cases, a -96.0% change from the previous fiscal year.

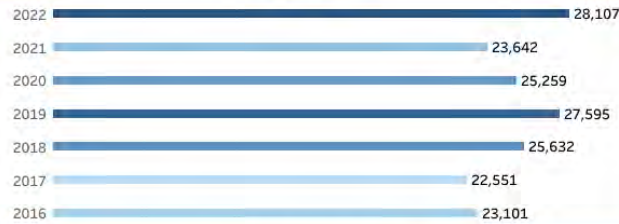
FY 2020/21 Bureau of Security And Investigative Services New Case Intake

Current Year	Prior Year	Variance	% Change
23,642	25,259	▼ -1,617	▼ -6.4%

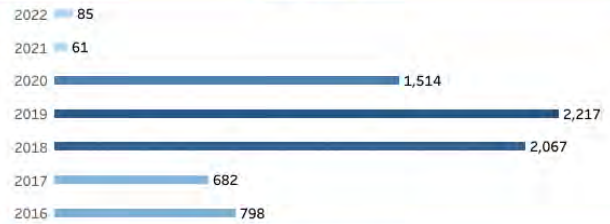
FY 2020/21 Bureau of Security And Investigative Services Pending Cases

Current Year	Prior Year	Variance	% Change
61	1,514	▼ -1,453	▼ -96.0%

New Cases



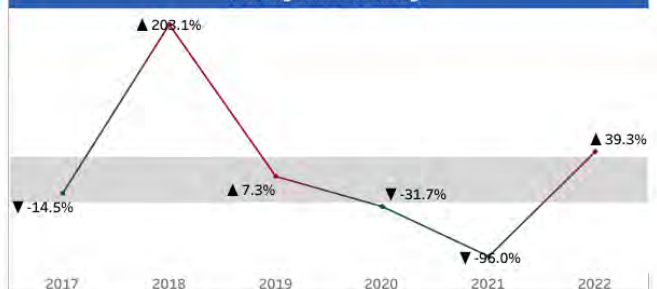
Pending Cases



New Case Intake % Change



Pending Cases % Change



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2021/22

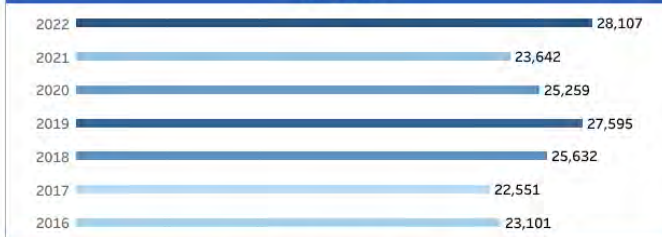
FY 2021/22 Bureau of Security And Investigative Services Enforcement Case Intake Summary

During FY 2021/22 the Bureau of Security And Investigative Services received 3,772 new Complaint Cases and 24,335 Conviction/Arrests Cases for a total of 28,107 new Enforcement Cases. Total case volume changed 18.9% from the previous fiscal year volume. New Complaint Cases received was 13.4% of total and new Conviction/Arrest Cases was 86.6% of all new cases received in FY 2021/22. During the same period the Bureau of Security And Investigative Services reported 85 pending cases, a 39.3% change from the previous fiscal year.

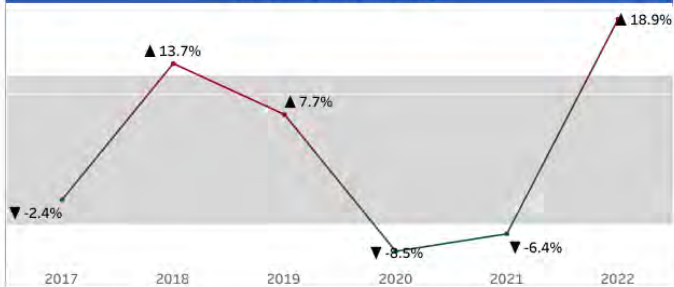
FY 2021/22 Bureau of Security And Investigative Services New Case Intake

Current Year	Prior Year	Variance	% Change
28,107	23,642	▲ 4,465	▲ 18.9%

New Cases



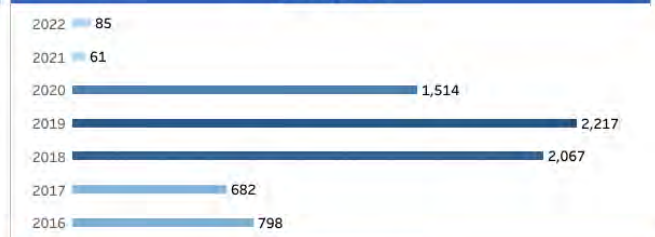
New Case Intake % Change



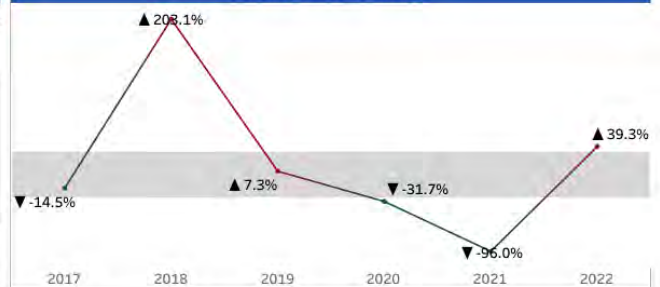
FY 2021/22 Bureau of Security And Investigative Services Pending Cases

Current Year	Prior Year	Variance	% Change
85	61	▲ 24	▲ 39.3%

Pending Cases

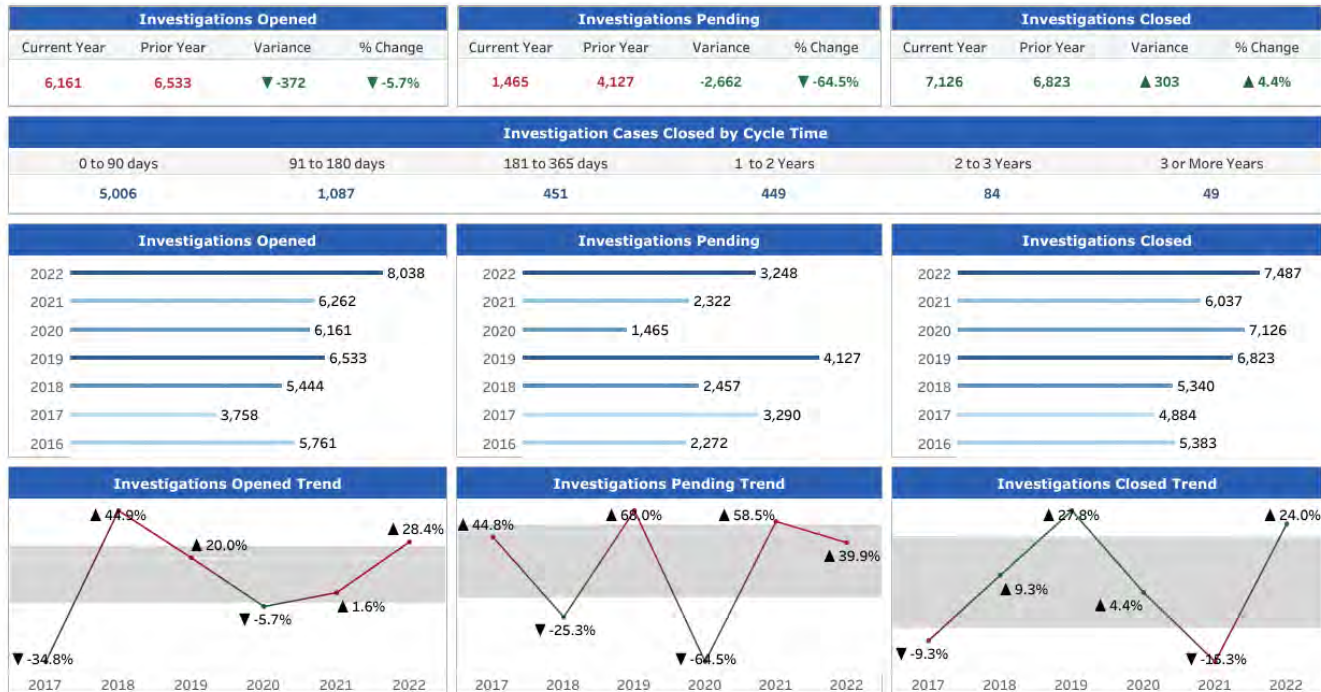


Pending Cases % Change



FY 2019/20 Bureau of Security And Investigative Services Investigation Cases Summary

During FY 2019/20 the Bureau of Security And Investigative Services opened 6,161 new Investigation Cases and closed 7,126 Investigation Cases. Total new investigations opened changed -5.7% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 1,465 pending investigation cases, a -64.5% change from the previous fiscal year. During FY 2019/20, 70.2% of all investigation cases were closed within 0 - 90 days; 15.3% were closed within 91 - 180 days; 6.3% were closed within 181 - 365 days; 6.3% were closed within 1 - 2 years; 1.2% were closed within 2 - 3 years; and 0.7% were closed more than 3+ years after the case was first received.



FY 2020/21 Bureau of Security And Investigative Services Investigation Cases Summary

During FY 2020/21 the Bureau of Security And Investigative Services opened 6,262 new Investigation Cases and closed 6,037 Investigation Cases. Total new investigations opened changed 1.6% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 2,322 pending investigation cases, a 58.5% change from the previous fiscal year. During FY 2020/21, 82.6% of all investigation cases were closed within 0 - 90 days; 8.3% were closed within 91 - 180 days; 4.5% were closed within 181 - 365 days; 3.4% were closed within 1 - 2 years; 1.0% were closed within 2 - 3 years; and 0.1% were closed more than 3+ years after the case was first received.

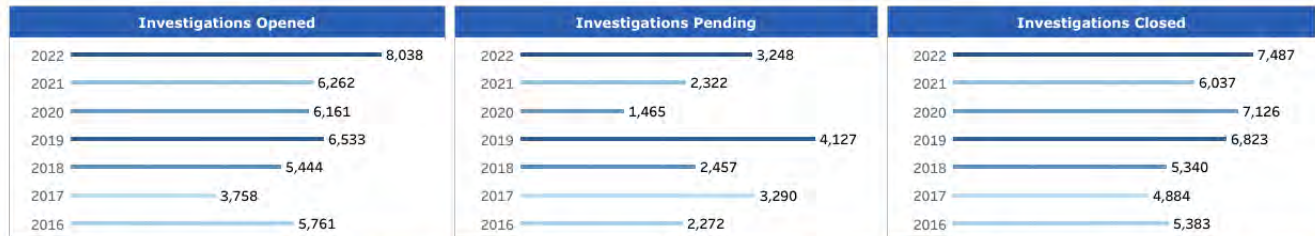


FY 2021/22 Bureau of Security And Investigative Services Investigation Cases Summary

During FY 2021/22 the Bureau of Security And Investigative Services opened 8,038 new Investigation Cases and closed 7,487 Investigation Cases. Total new investigations opened changed 28.4% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 3,248 pending investigation cases, a 39.9% change from the previous fiscal year. During FY 2021/22, 75.0% of all investigation cases were closed within 0 - 90 days; 11.8% were closed within 91 - 180 days; 8.7% were closed within 181 - 365 days; 4.0% were closed within 1 - 2 years; 0.4% were closed within 2 - 3 years; and 0.2% were closed more than 3+ years after the case was first received.

Investigations Opened				Investigations Pending				Investigations Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
8,038	6,262	▲ 1,776	▲ 28.4%	3,248	2,322	926	▲ 39.9%	7,487	6,037	▲ 1,450	▲ 24.0%

Investigation Cases Closed by Cycle Time					
0 to 90 days	91 to 180 days	181 to 365 days	1 to 2 Years	2 to 3 Years	3 or More Years
5,614	881	648	301	29	14



Select a Fiscal Year
FY 2019/20

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FY 2020 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2020	863	79	106	312 Days	180 Days	▲ 132 Days
May 2020	890	45	73	356 Days	180 Days	▲ 176 Days
April 2020	917	58	107	323 Days	180 Days	▲ 143 Days
March 2020	964	87	96	286 Days	180 Days	▲ 106 Days
February 2020	972	103	90	300 Days	180 Days	▲ 120 Days
January 2020	959	99	86	318 Days	180 Days	▲ 138 Days
December 2019	946	75	85	301 Days	180 Days	▲ 121 Days
November 2019	956	73	97	280 Days	180 Days	▲ 100 Days
October 2019	980	106	107	367 Days	180 Days	▲ 187 Days
September 2019	981	77	84	374 Days	180 Days	▲ 194 Days
August 2019	988	83	83	348 Days	180 Days	▲ 168 Days
July 2019	988	67	79	336 Days	180 Days	▲ 156 Days

Select a Fiscal Year
FY 2020/21

Data last refreshed on 7/25/2023 11:44:05 PM

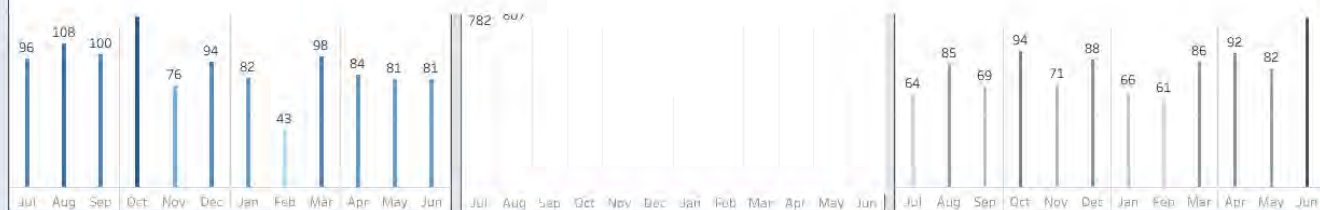


FY 2021 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2021	752	153	108	228 Days	180 Days	▲ 48 Days
May 2021	706	95	98	286 Days	180 Days	▲ 106 Days
April 2021	710	113	83	319 Days	180 Days	▲ 139 Days
March 2021	695	101	102	300 Days	180 Days	▲ 120 Days
February 2021	691	77	99	352 Days	180 Days	▲ 172 Days
January 2021	718	52	84	343 Days	180 Days	▲ 163 Days
December 2020	748	69	80	253 Days	180 Days	▲ 73 Days
November 2020	760	41	99	307 Days	180 Days	▲ 127 Days
October 2020	809	89	142	352 Days	180 Days	▲ 172 Days
September 2020	845	83	94	358 Days	180 Days	▲ 178 Days
August 2020	856	125	114	305 Days	180 Days	▲ 125 Days
July 2020	845	65	86	358 Days	180 Days	▲ 178 Days

Select a Fiscal Year
FY 2021/22

Data last refreshed on 7/25/2023 11:44:05 PM



FY 2022 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2022	855	81	117	306 Days	180 Days	▲ 126 Days
May 2022	860	81	82	321 Days	180 Days	▲ 141 Days
April 2022	890	84	92	225 Days	180 Days	▲ 45 Days
March 2022	897	98	86	326 Days	180 Days	▲ 146 Days
February 2022	886	43	61	234 Days	180 Days	▲ 54 Days
January 2022	903	82	66	261 Days	180 Days	▲ 81 Days
December 2021	887	94	88	291 Days	180 Days	▲ 111 Days
November 2021	876	76	71	206 Days	180 Days	▲ 26 Days
October 2021	870	128	94	247 Days	180 Days	▲ 67 Days
September 2021	837	100	69	245 Days	180 Days	▲ 65 Days
August 2021	807	108	85	219 Days	180 Days	▲ 39 Days
July 2021	782	96	64	306 Days	180 Days	▲ 126 Days

Select a Fiscal Year
FY 2022/23

Data last refreshed on 7/25/2023 11:44:05 PM



FY 2023 DOI Case Volume Summary

	Pending Cases	New Cases	Closed Cases	Actual Time	Target Time	Variance
June 2023	823	104	79	287 Days	180 Days	▲ 107 Days
May 2023	798	110	60	350 Days	180 Days	▲ 170 Days
April 2023	744	90	63	302 Days	180 Days	▲ 122 Days
March 2023	717	80	80	344 Days	180 Days	▲ 164 Days
February 2023	718	81	85	342 Days	180 Days	▲ 162 Days
January 2023	722	78	109	278 Days	180 Days	▲ 98 Days
December 2022	753	77	126	222 Days	180 Days	▲ 42 Days
November 2022	802	67	90	255 Days	180 Days	▲ 75 Days
October 2022	825	88	116	257 Days	180 Days	▲ 77 Days
September 2022	847	88	89	312 Days	180 Days	▲ 132 Days
August 2022	848	152	127	279 Days	180 Days	▲ 99 Days
July 2022	825	61	91	325 Days	180 Days	▲ 145 Days

Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2019/20

FY 2019/20 Bureau of Security And Investigative Services Administrative Actions Summary

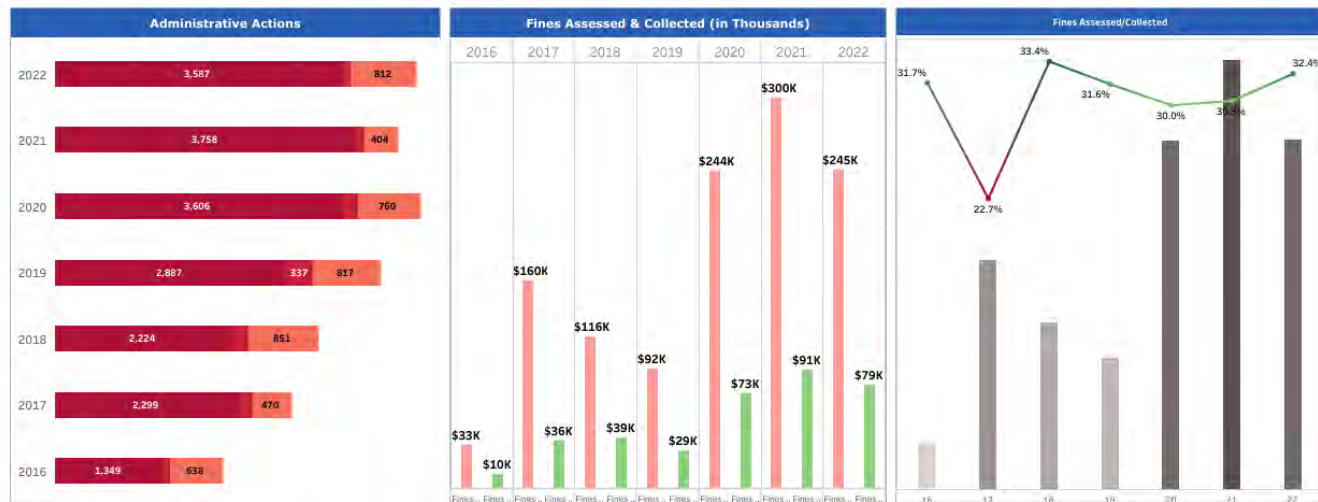
During FY 2019/20 the Bureau of Security And Investigative Services imposed formal administrative actions including citations and fines on 4,575 licenses. Total Administrative Actions changed 12.1% from the previous fiscal year. During the same period the Bureau of Security And Investigative Services issued 103 citations, a 186.1% change from the previous fiscal year.

Bureau of Security And Investigative Services Administrative Actions

Application Denied	Revoked License	Surrendered License	Probation with Suspe..	Suspended License	Probation	Public Reprimand	Other Decisions	Total
3,606	181	6	0	760	13	0	9	4,575

Bureau of Security And Investigative Services Citations & Fines

CY Citations & Fines	PY Citations & Fines	Variance Citations & Fines	CY Fines Imposed	PY Fines Imposed	Variance Fines Imposed
103	36	▲ 67	\$243,836	\$91,840	▲\$151,996



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2020/21

FY 2020/21 Bureau of Security And Investigative Services Administrative Actions Summary

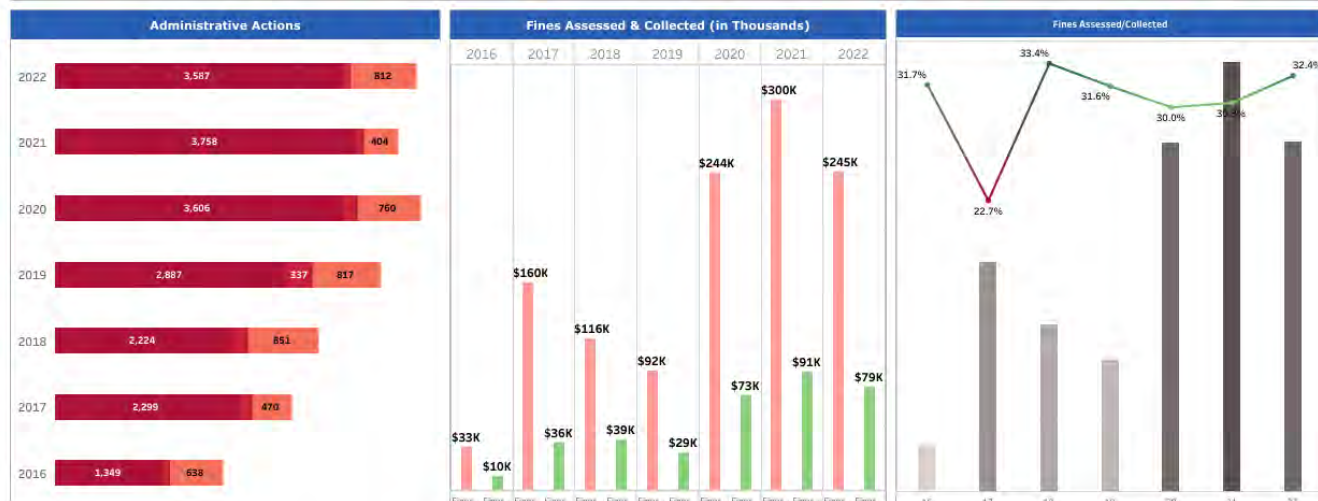
During FY 2020/21 the Bureau of Security And Investigative Services imposed formal administrative actions including citations and fines on 4,288 licenses. Total Administrative Actions changed -6.3% from the previous fiscal year. During the same period the Bureau of Security And Investigative Services issued 108 citations, a 4.9% change from the previous fiscal year.

Bureau of Security And Investigative Services Administrative Actions

Application Denied	Revoked License	Surrendered License	Probation with Suspe..	Suspended License	Probation	Public Reprimand	Other Decisions	Total
3,758	103	2	0	404	16	0	5	4,288

Bureau of Security And Investigative Services Citations & Fines

CY Citations & Fines	PY Citations & Fines	Variance Citations & Fines	CY Fines Imposed	PY Fines Imposed	Variance Fines Imposed
108	103	▲ 5	\$299,900	\$243,836	▲\$56,064



FY 2021/22 Bureau of Security And Investigative Services Administrative Actions Summary

During FY 2021/22 the Bureau of Security And Investigative Services imposed formal administrative actions including citations and fines on 4,507 licenses. Total Administrative Actions changed 5,1% from the previous fiscal year. During the same period the Bureau of Security And Investigative Services issued 90 citations; a -16,7% change from the previous fiscal year.

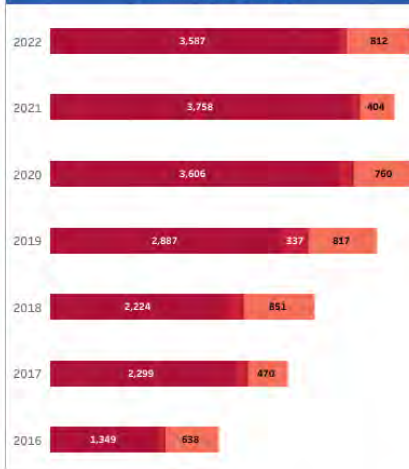
Bureau of Security And Investigative Services Administrative Actions

Application Denied	Revoked License	Surrendered License	Probation with Suspe..	Suspended License	Probation	Public Reprimand	Other Decisions	Total
3,587	102	0	0	812	6	0	0	4,507

Bureau of Security And Investigative Services Citations & Fines

CY Citations & Fines	PY Citations & Fines	Variance Citations & Fines	CY Fines Imposed	PY Fines Imposed	Variance Fines Imposed
90	108	▼ -18	\$244,500	\$299,900	▼ -\$55,400

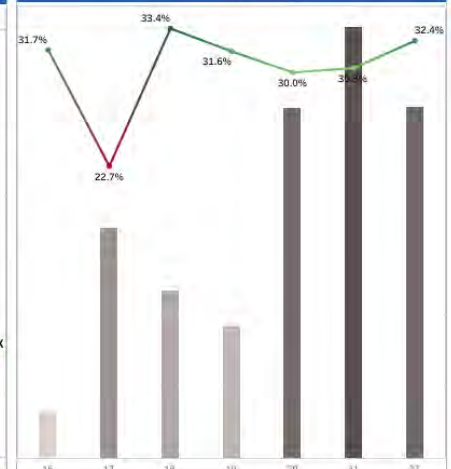
Administrative Actions



Fines Assessed & Collected (in Thousands)



Fines Assessed/Collected



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2019/20

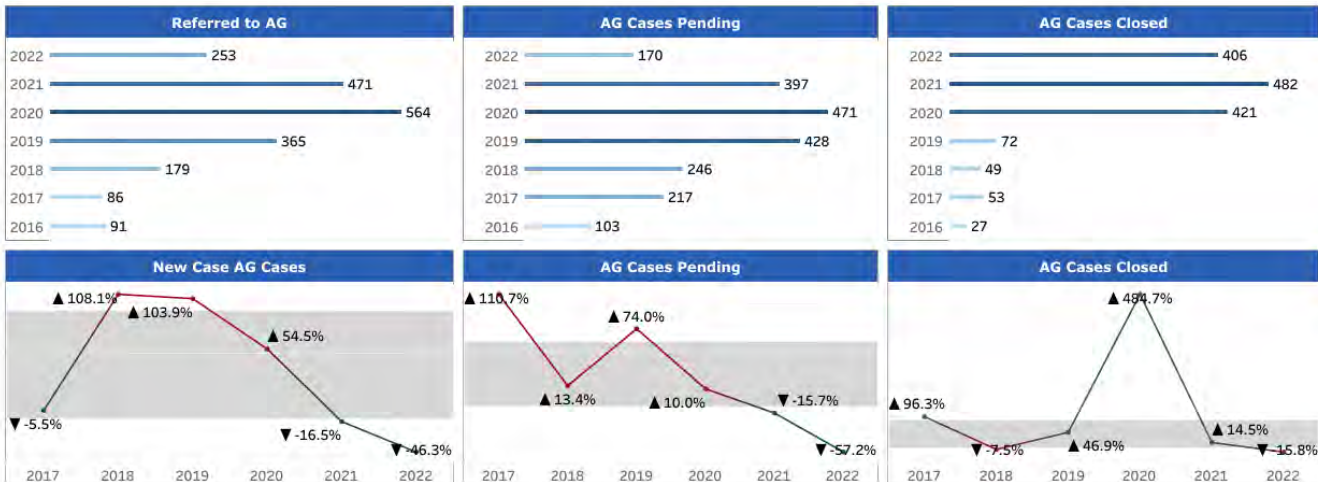
FY 2019/20 Bureau of Security And Investigative Services Attorney General Office Cases

During FY 2019/20 the Bureau of Security And Investigative Services referred 564 new cases to the Attorney General's Office (AGO) and closed 421 AGO Referred Cases, Total new cases referred to AGO changed 54.5% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 471 pending AGO referred cases, a 10.0% change from the previous fiscal year. During FY 2019/20, 75.5% of AGO referred cases were closed within 1 Year or Less; 16.6% were closed within 1-2 Years; 6.2% were closed within 2-3 Years; and 1.7% were closed more than 3+ years after the case was first received.

Referred to AG				AG Cases Pending				AG Cases Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
564	365	▲ 199	▲ 54.5%	471	428	▲ 43	▲ 10.0%	421	72	▲ 349	▲ 484.7%

Bureau of Security And Investigative Services AG Cases Closed by Cycle Time

! Current Year AG Case Closure less than 1 Year	! Current Year AG Case Closure 1 to 2 Years	! Current Year AG Case Closure 2 to 3 Years	! Current Year AG Case Closure over 3 Years
318	70	26	7



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2020/21

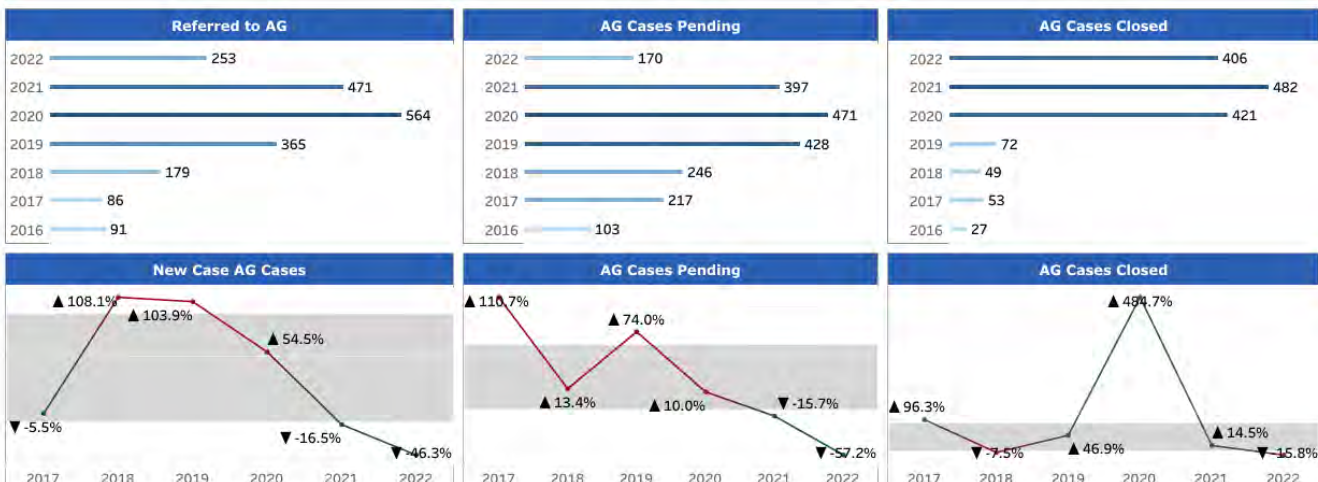
FY 2020/21 Bureau of Security And Investigative Services Attorney General Office Cases

During FY 2020/21 the Bureau of Security And Investigative Services referred 471 new cases to the Attorney General's Office (AGO) and closed 482 AGO Referred Cases, Total new cases referred to AGO changed -16.5% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 397 pending AGO referred cases, a -15.7% change from the previous fiscal year. During FY 2020/21, 58.7% of AGO referred cases were closed within 1 Year or Less; 36.7% were closed within 1-2 Years; 4.6% were closed within 2-3 Years; and 0.0% were closed more than 3+ years after the case was first received.

Referred to AG				AG Cases Pending				AG Cases Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
471	564	▼ -93	▼ -16.5%	397	471	▼ -74	▼ -15.7%	482	421	▲ 61	▲ 14.5%

Bureau of Security And Investigative Services AG Cases Closed by Cycle Time

! Current Year AG Case Closure less than 1 Year	! Current Year AG Case Closure 1 to 2 Years	! Current Year AG Case Closure 2 to 3 Years	! Current Year AG Case Closure over 3 Years
283	177	22	0



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2021/22

FY 2021/22 Bureau of Security And Investigative Services Attorney General Office Cases

During FY 2021/22 the Bureau of Security And Investigative Services referred 253 new cases to the Attorney General's Office (AGO) and closed 406 AGO Referred Cases, Total new cases referred to AGO changed -46.3% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 170 pending AGO referred cases, a -57.2% change from the previous fiscal year. During FY 2021/22, 58.1% of AGO referred cases were closed within 1 Year or Less; 36.2% were closed within 1 - 2 Years; 4.4% were closed within 2 - 3 Years; and 1.2% were closed more than 3+ years after the case was first received.

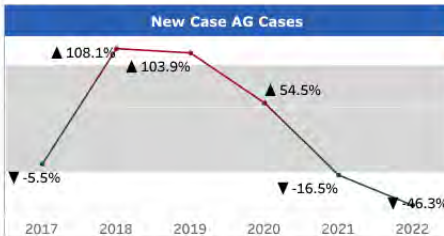
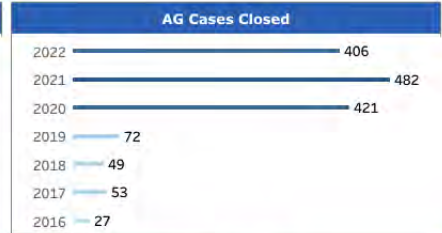
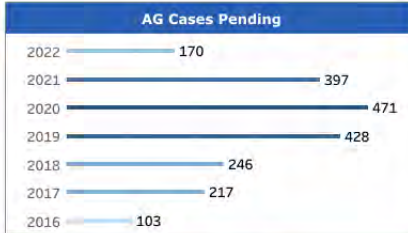
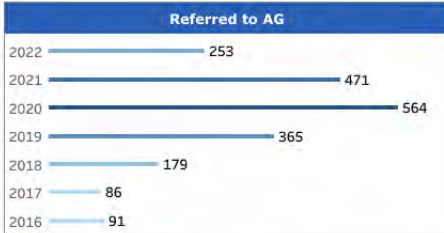
Referred to AG			
Current Year	Prior Year	Variance	% Change
253	471	▼ -218	▼ -46.3%

AG Cases Pending			
Current Year	Prior Year	Variance	% Change
170	397	▼ -227	▼ -57.2%

AG Cases Closed			
Current Year	Prior Year	Variance	% Change
406	482	▼ -76	▼ -15.8%

Bureau of Security And Investigative Services AG Cases Closed by Cycle Time

! Current Year AG Case Closure less than 1 Year	! Current Year AG Case Closure 1 to 2 Years	! Current Year AG Case Closure 2 to 3 Years	! Current Year AG Case Closure over 3 Years
236	147	18	5



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2019/20

FY 2019/20 Bureau of Security And Investigative Services Enforcement Case Intake Summary

During FY 2019/20 the Bureau of Security And Investigative Services received 2,844 new Complaint Cases and 22,415 Conviction/Arrests Cases for a total of 25,259 new Enforcement Cases. Total case volume changed -8.5% from the previous fiscal year volume. New Complaint Cases received was 11.3% of total and new Conviction/Arrest Cases was 88.7% of all new cases received in FY 2019/20. During the same period the Bureau of Security And Investigative Services reported 1,514 pending cases, a -31.7% change from the previous fiscal year.

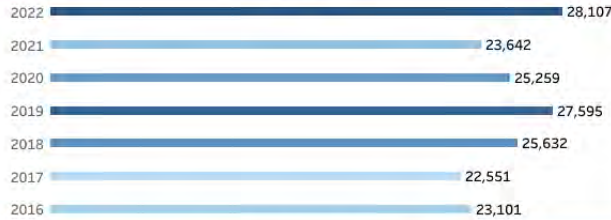
FY 2019/20 Bureau of Security And Investigative Services New Case Intake

Current Year	Prior Year	Variance	% Change
25,259	27,595	▼ -2,336	▼ -8.5%

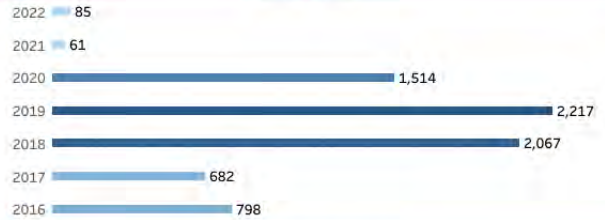
FY 2019/20 Bureau of Security And Investigative Services Pending Cases

Current Year	Prior Year	Variance	% Change
1,514	2,217	▼ -703	▼ -31.7%

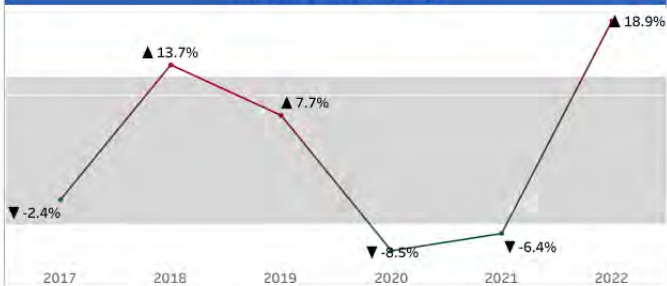
New Cases



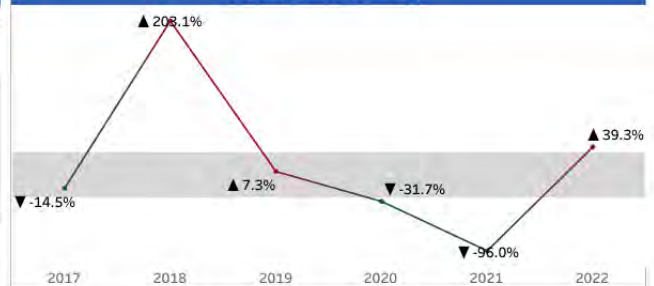
Pending Cases



New Case Intake % Change



Pending Cases % Change



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2020/21

FY 2020/21 Bureau of Security And Investigative Services Enforcement Case Intake Summary

During FY 2020/21 the Bureau of Security And Investigative Services received 2,822 new Complaint Cases and 20,820 Conviction/Arrests Cases for a total of 23,642 new Enforcement Cases. Total case volume changed -6.4% from the previous fiscal year volume. New Complaint Cases received was 11.9% of total and new Conviction/Arrest Cases was 88.1% of all new cases received in FY 2020/21. During the same period the Bureau of Security And Investigative Services reported 61 pending cases, a -96.0% change from the previous fiscal year.

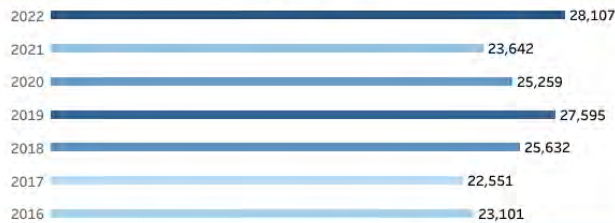
FY 2020/21 Bureau of Security And Investigative Services New Case Intake

Current Year	Prior Year	Variance	% Change
23,642	25,259	▼ -1,617	▼ -6.4%

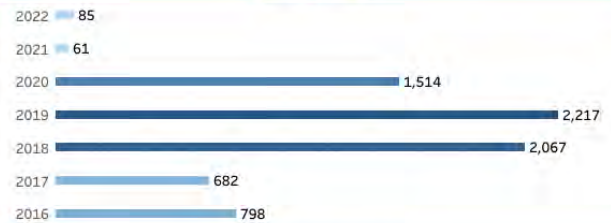
FY 2020/21 Bureau of Security And Investigative Services Pending Cases

Current Year	Prior Year	Variance	% Change
61	1,514	▼ -1,453	▼ -96.0%

New Cases



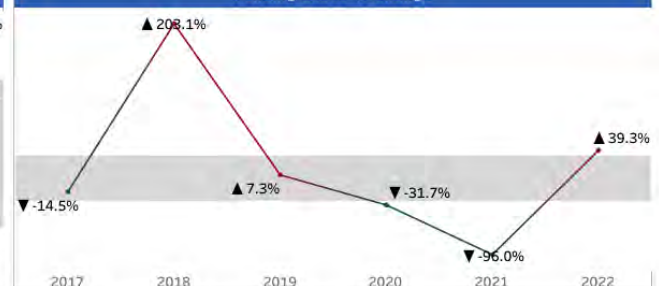
Pending Cases



New Case Intake % Change



Pending Cases % Change



Select a DCA Entity
Bureau of Security And Investigative Services

Select a Fiscal Year
FY 2021/22

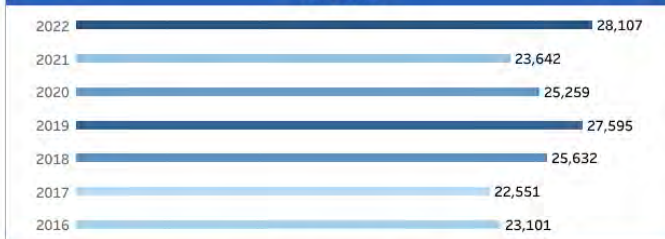
FY 2021/22 Bureau of Security And Investigative Services Enforcement Case Intake Summary

During FY 2021/22 the Bureau of Security And Investigative Services received 3,772 new Complaint Cases and 24,335 Conviction/Arrests Cases for a total of 28,107 new Enforcement Cases. Total case volume changed 18.9% from the previous fiscal year volume. New Complaint Cases received was 13.4% of total and new Conviction/Arrest Cases was 86.6% of all new cases received in FY 2021/22. During the same period the Bureau of Security And Investigative Services reported 85 pending cases, a 39.3% change from the previous fiscal year.

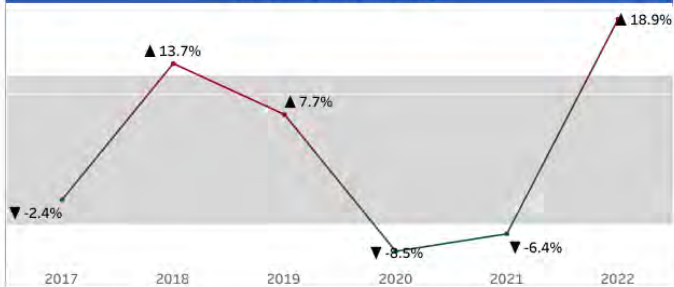
FY 2021/22 Bureau of Security And Investigative Services New Case Intake

Current Year	Prior Year	Variance	% Change
28,107	23,642	▲ 4,465	▲ 18.9%

New Cases



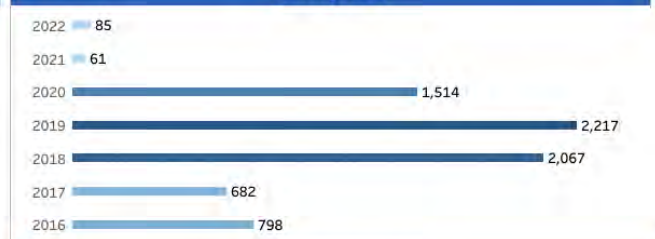
New Case Intake % Change



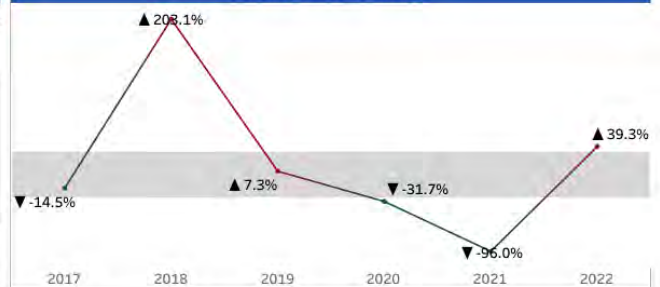
FY 2021/22 Bureau of Security And Investigative Services Pending Cases

Current Year	Prior Year	Variance	% Change
85	61	▲ 24	▲ 39.3%

Pending Cases

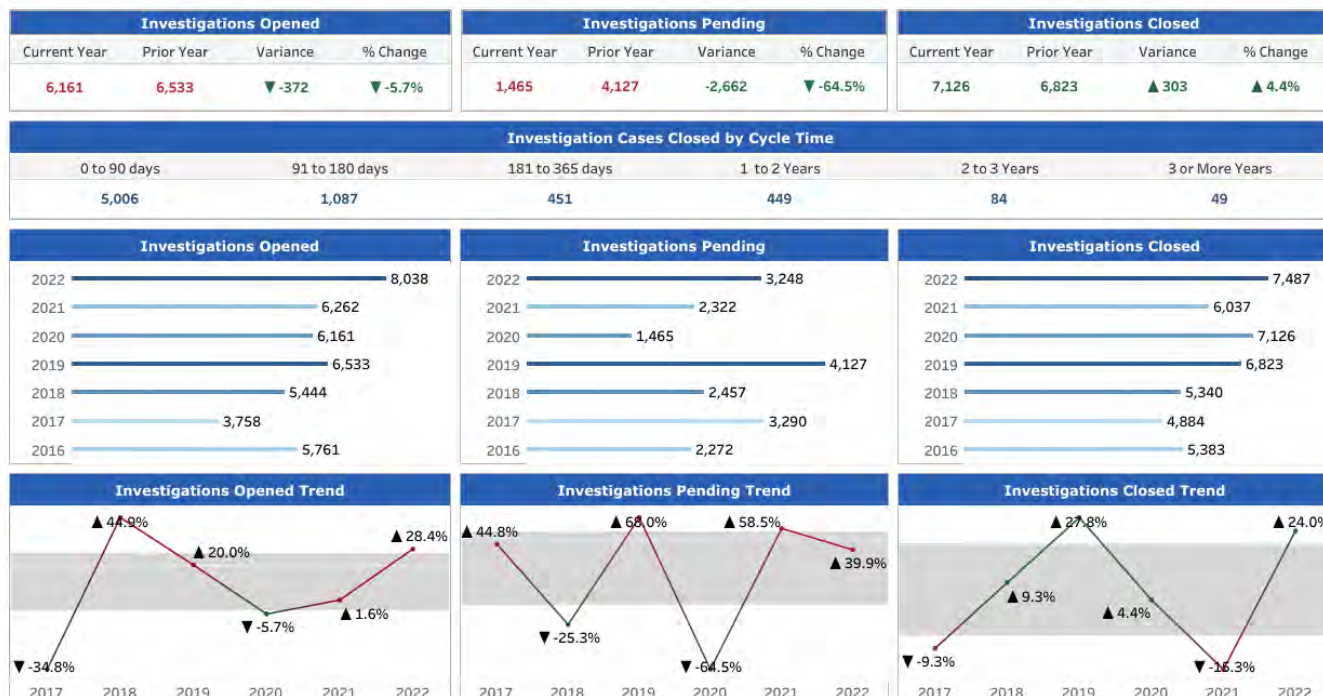


Pending Cases % Change



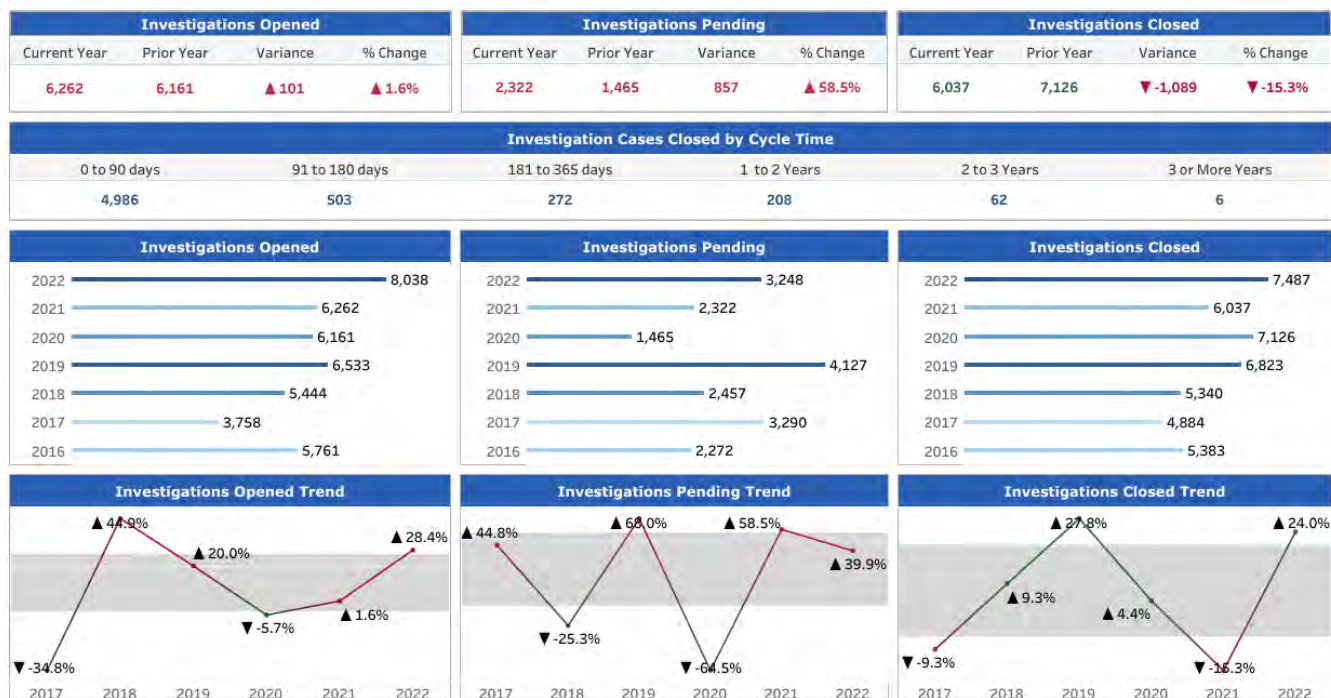
FY 2019/20 Bureau of Security And Investigative Services Investigation Cases Summary

During FY 2019/20 the Bureau of Security And Investigative Services opened 6,161 new Investigation Cases and closed 7,126 Investigation Cases. Total new investigations opened changed -5.7% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 1,465 pending investigation cases, a -64.5% change from the previous fiscal year. During FY 2019/20, 70.2% of all investigation cases were closed within 0 - 90 days; 15.3% were closed within 91 - 180 days; 6.3% were closed within 181 - 365 days; 6.3% were closed within 1 - 2 years; 1.2% were closed within 2 - 3 years; and 0.7% were closed more than 3+ years after the case was first received.



FY 2020/21 Bureau of Security And Investigative Services Investigation Cases Summary

During FY 2020/21 the Bureau of Security And Investigative Services opened 6,262 new Investigation Cases and closed 6,037 Investigation Cases. Total new investigations opened changed 1.6% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 2,322 pending investigation cases, a 58.5% change from the previous fiscal year. During FY 2020/21, 82.6% of all investigation cases were closed within 0 - 90 days; 8.3% were closed within 91 - 180 days; 4.5% were closed within 181 - 365 days; 3.4% were closed within 1 - 2 years; 1.0% were closed within 2 - 3 years; and 0.1% were closed more than 3+ years after the case was first received.

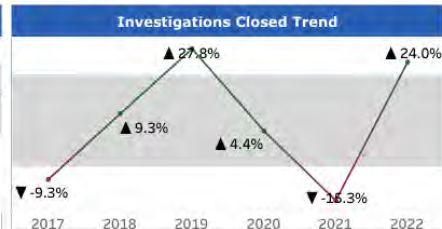
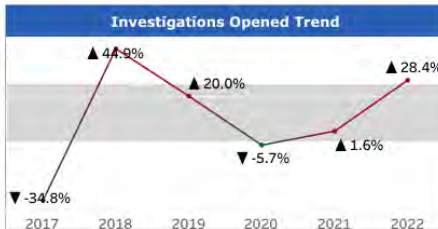
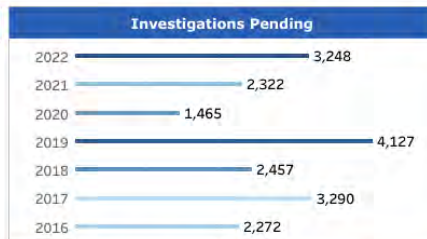


FY 2021/22 Bureau of Security And Investigative Services Investigation Cases Summary

During FY 2021/22 the Bureau of Security And Investigative Services opened 8,038 new Investigation Cases and closed 7,487 Investigation Cases. Total new investigations opened changed 28.4% from the previous fiscal year volume. During the same period the Bureau of Security And Investigative Services reported 3,248 pending investigation cases, a 39.9% change from the previous fiscal year. During FY 2021/22, 75.0% of all investigation cases were closed within 0 - 90 days; 11.8% were closed within 91 - 180 days; 8.7% were closed within 181 - 365 days; 4.0% were closed within 1 - 2 years; 0.4% were closed within 2 - 3 years; and 0.2% were closed more than 3+ years after the case was first received.

Investigations Opened				Investigations Pending				Investigations Closed			
Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change	Current Year	Prior Year	Variance	% Change
8,038	6,262	▲ 1,776	▲ 28.4%	3,248	2,322	926	▲ 39.9%	7,487	6,037	▲ 1,450	▲ 24.0%

Investigation Cases Closed by Cycle Time					
0 to 90 days	91 to 180 days	181 to 365 days	1 to 2 Years	2 to 3 Years	3 or More Years
5,614	881	648	301	29	14





Select a DCA Entity
Bureau of Security and Investigative Services

Select a Fiscal Year
FY2019/20

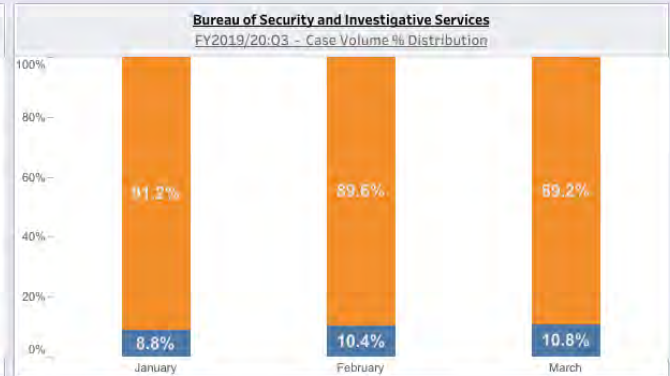
Select a Quarter
Q3

Case Type
Complaints Volume Conviction/Arrest Volume

Performance Measure 1 (Case Volume) – Total number of complaints and conviction/arrest notices received within the specified period.

Bureau of Security and Investigative Services New Cases Summary
Data last refreshed on 07/28/2023

Complaints Volume	Conviction/Arrest Volume	Total Volume
613	5,769	6,402



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances, data may be preliminary.

Select a DCA Entity
Bureau of Security and Investigative Services

Select a Fiscal Year
FY2019/20

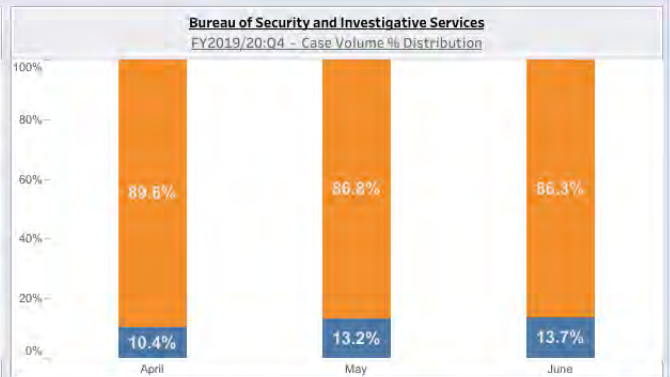
Select a Quarter
Q4

Case Type
Complaints Volume Conviction/Arrest Volume

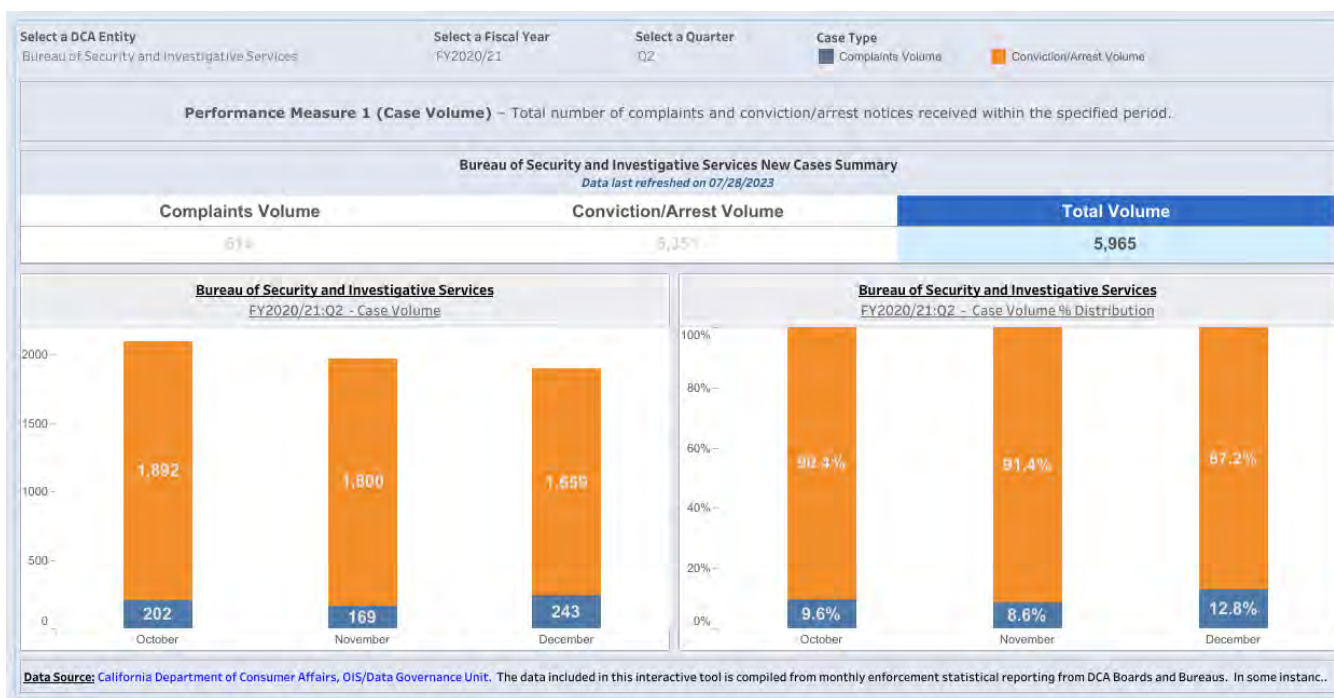
Performance Measure 1 (Case Volume) – Total number of complaints and conviction/arrest notices received within the specified period.

Bureau of Security and Investigative Services New Cases Summary
Data last refreshed on 07/28/2023

Complaints Volume	Conviction/Arrest Volume	Total Volume
712	5,312	6,044

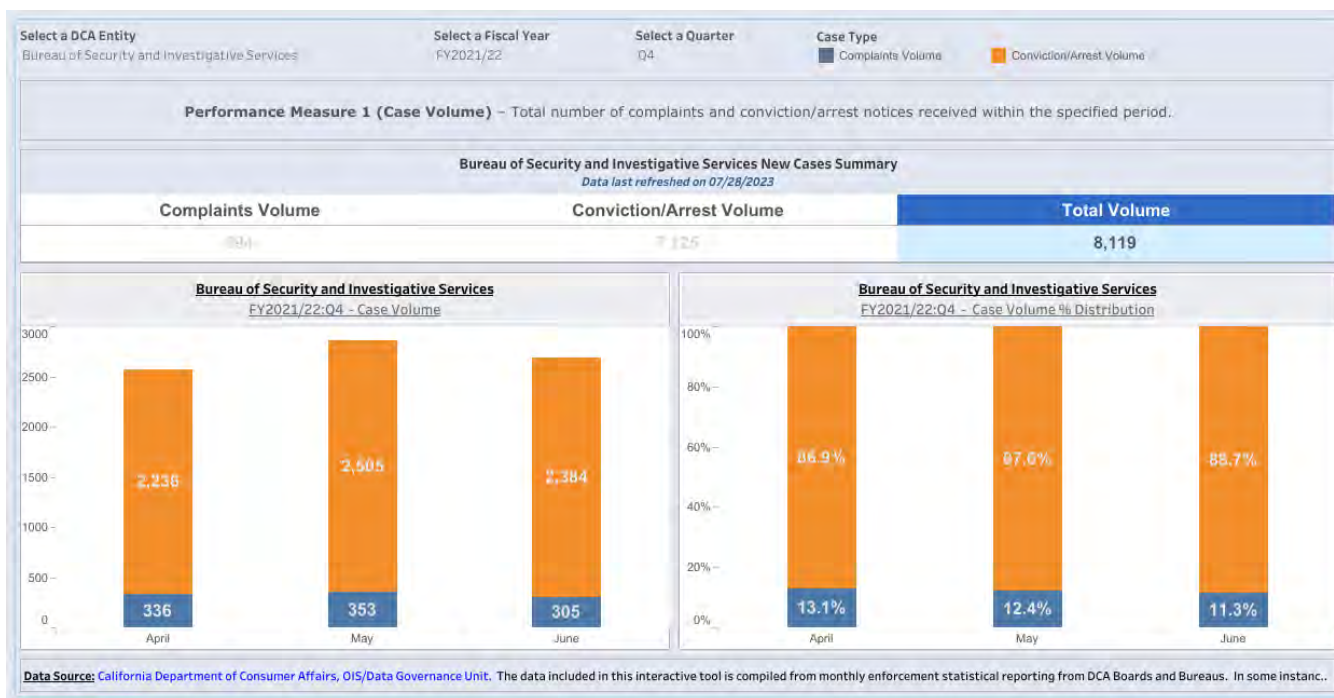
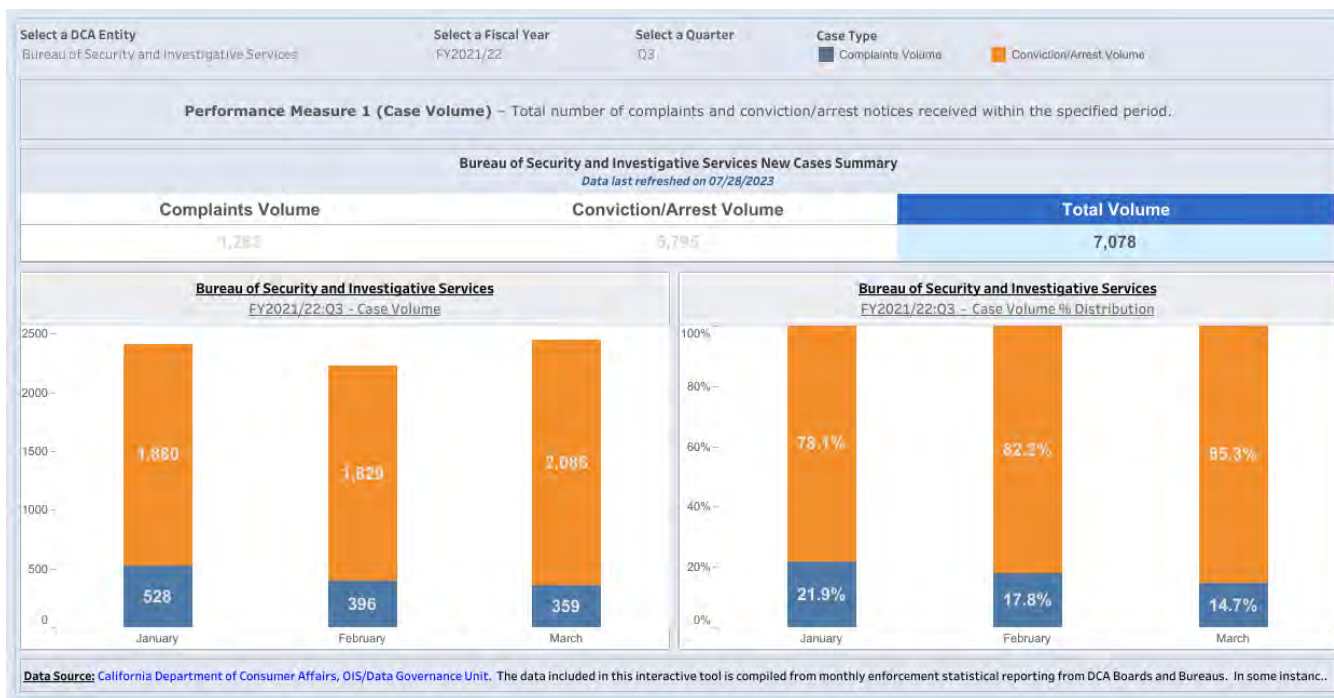


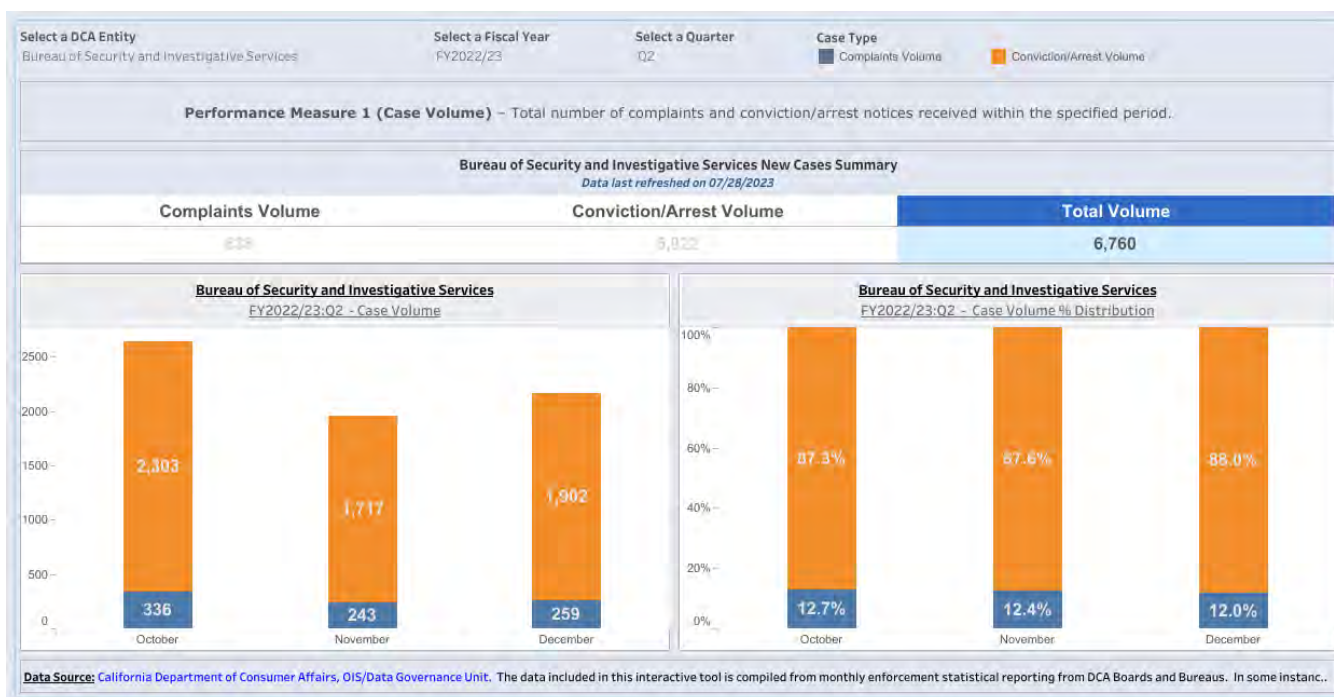
Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances, data may be preliminary.











Select a DCA Entity
Bureau of Security and Investigative Services

Select a Fiscal Year
FY2022/23

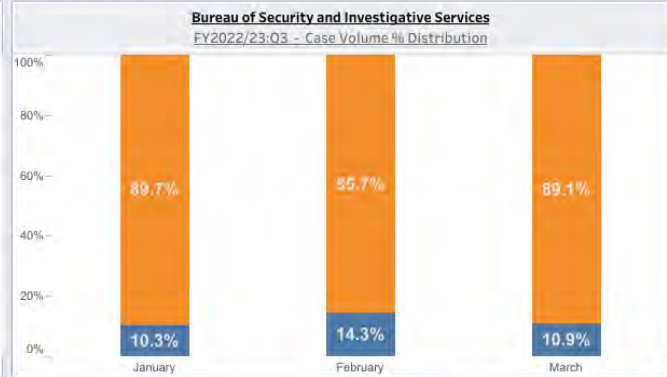
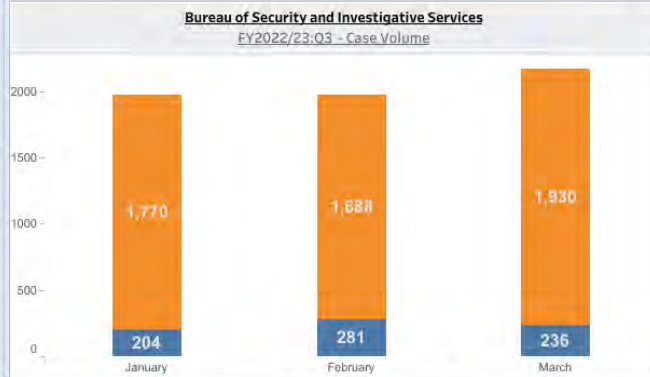
Select a Quarter
Q3

Case Type
Complaints Volume
Conviction/Arrest Volume

Performance Measure 1 (Case Volume) – Total number of complaints and conviction/arrest notices received within the specified period.

Bureau of Security and Investigative Services New Cases Summary
Data last refreshed on 07/28/2023

Complaints Volume	Conviction/Arrest Volume	Total Volume
721	5,388	6,109



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances, data may be preliminary.

Select a DCA Entity
Bureau of Security and Investigative Services

Select a Fiscal Year
FY2022/23

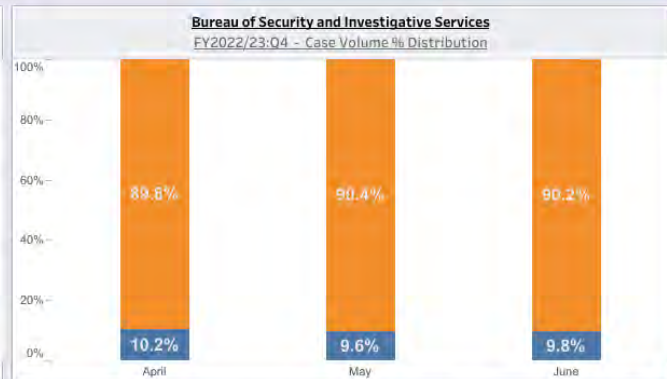
Select a Quarter
Q4

Case Type
Complaints Volume
Conviction/Arrest Volume

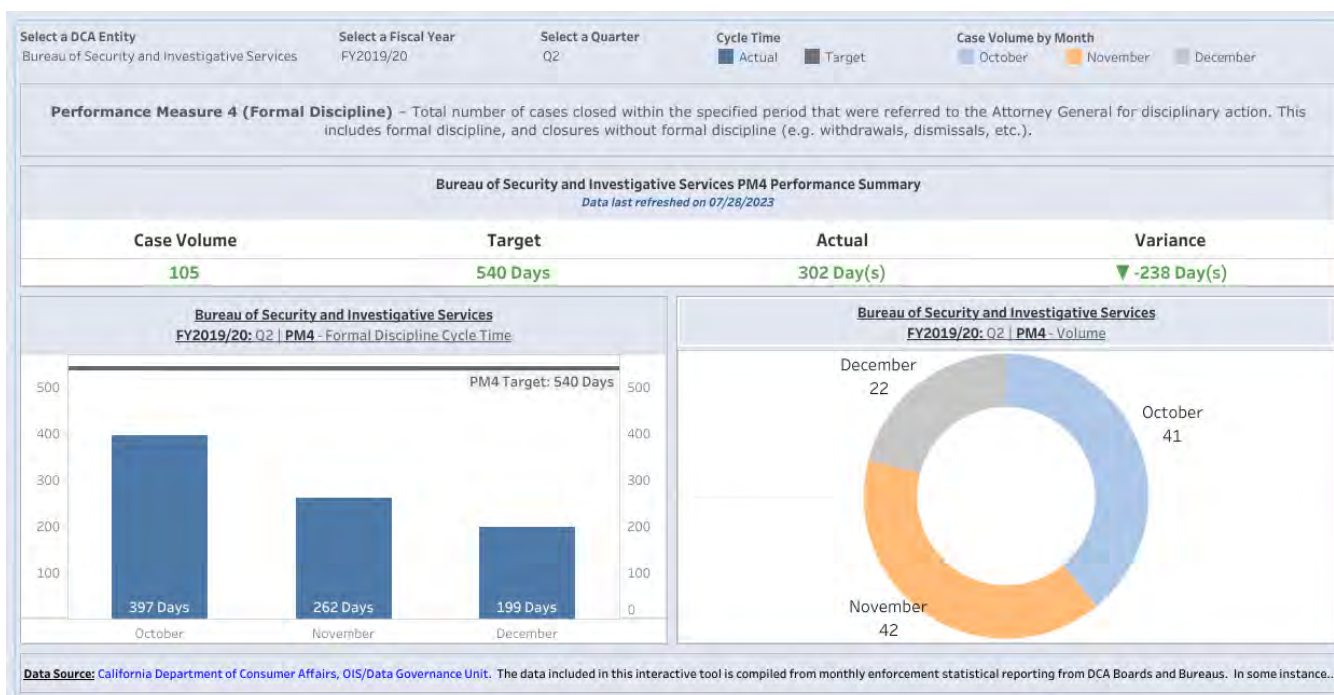
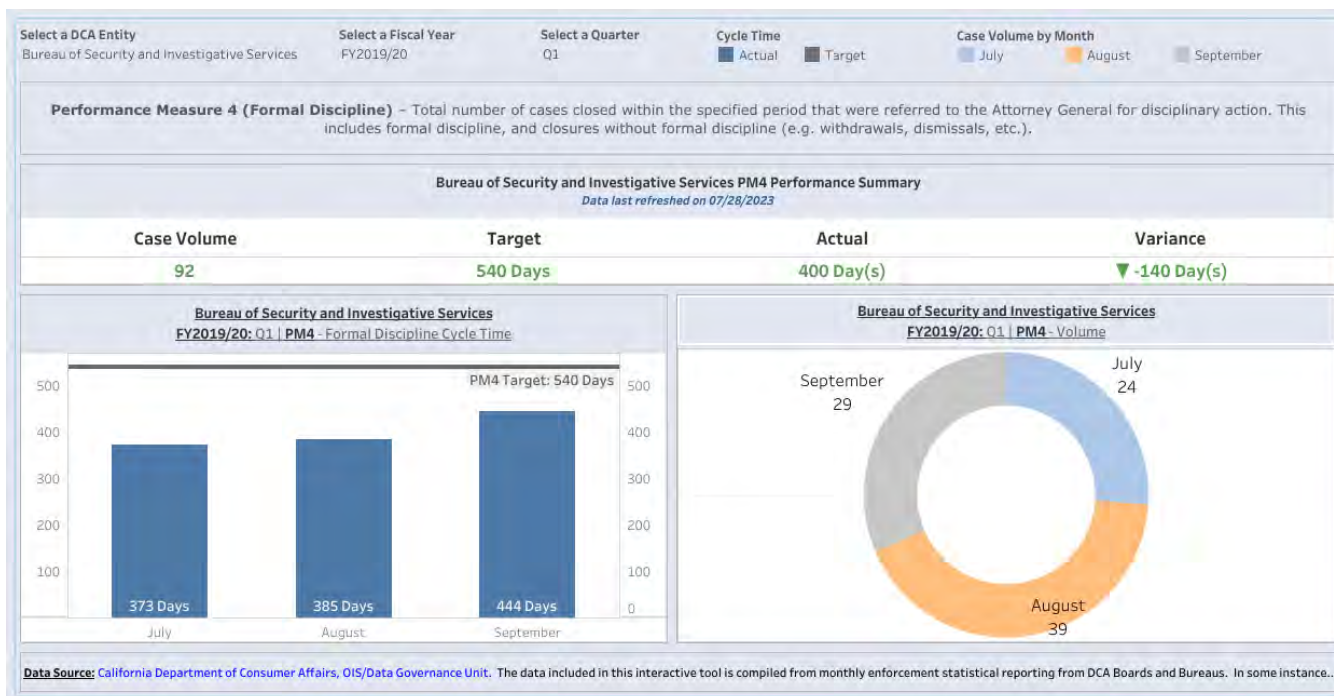
Performance Measure 1 (Case Volume) – Total number of complaints and conviction/arrest notices received within the specified period.

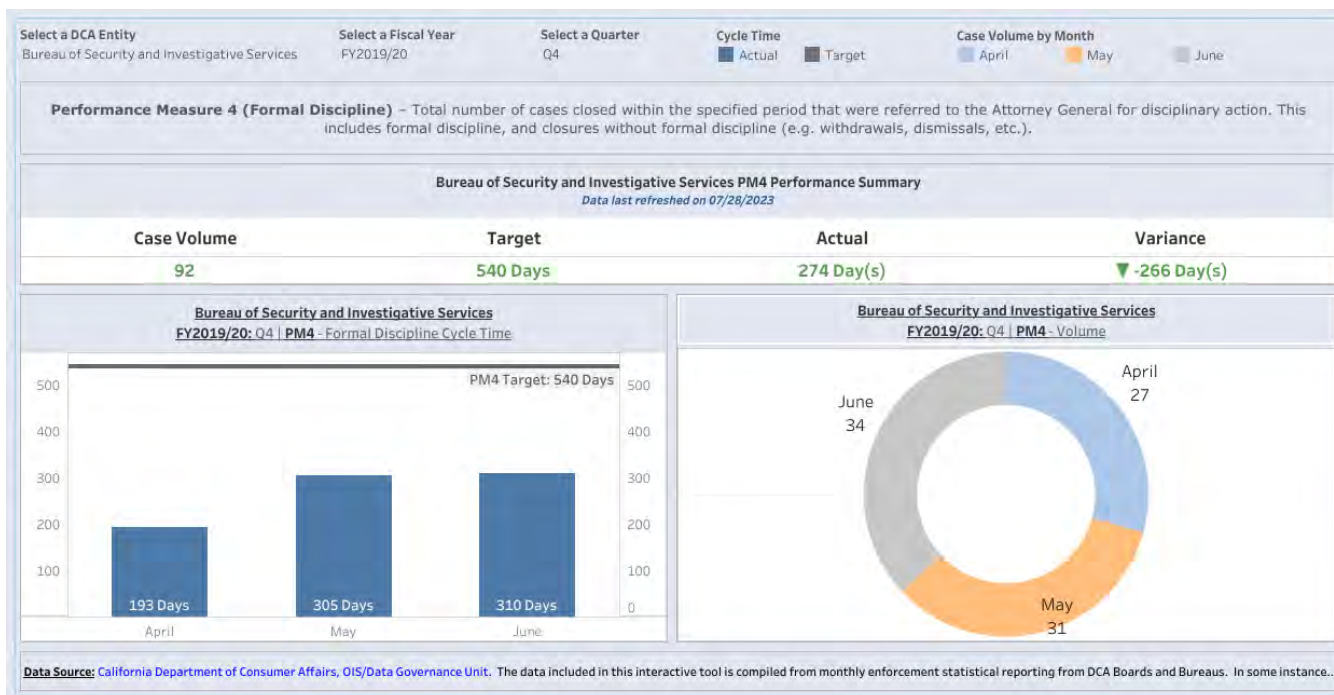
Bureau of Security and Investigative Services New Cases Summary
Data last refreshed on 07/28/2023

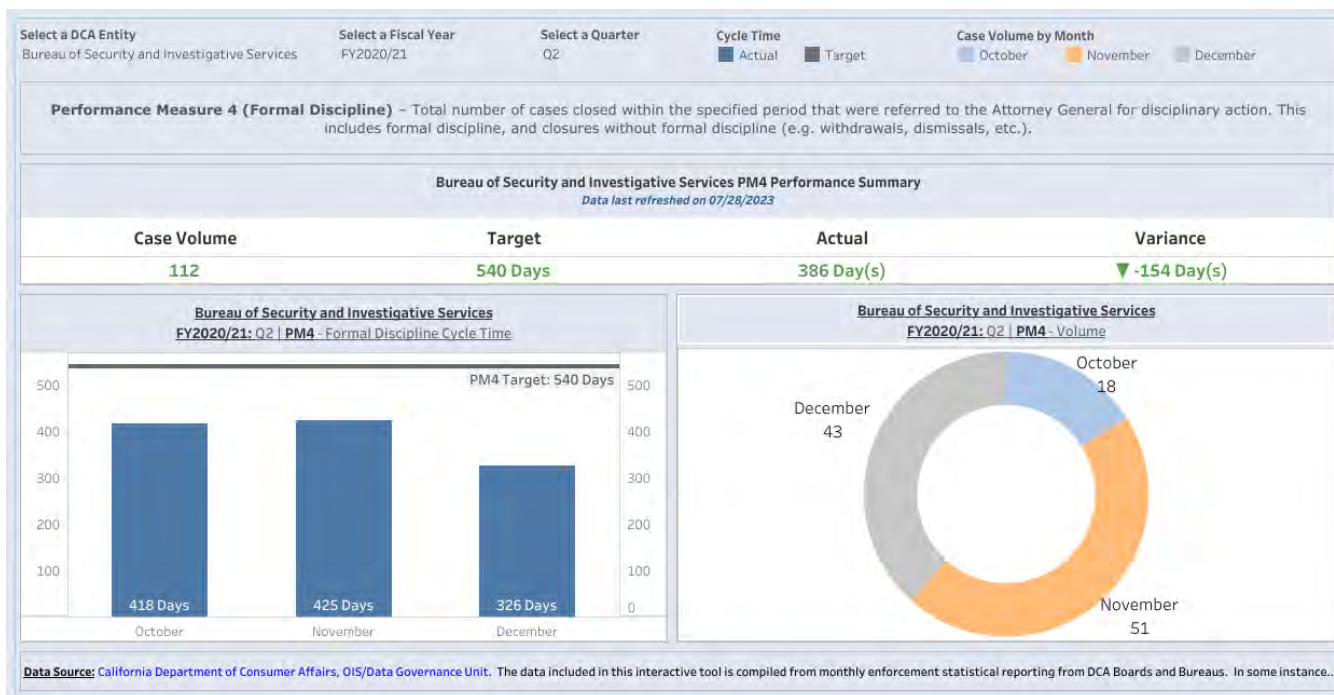
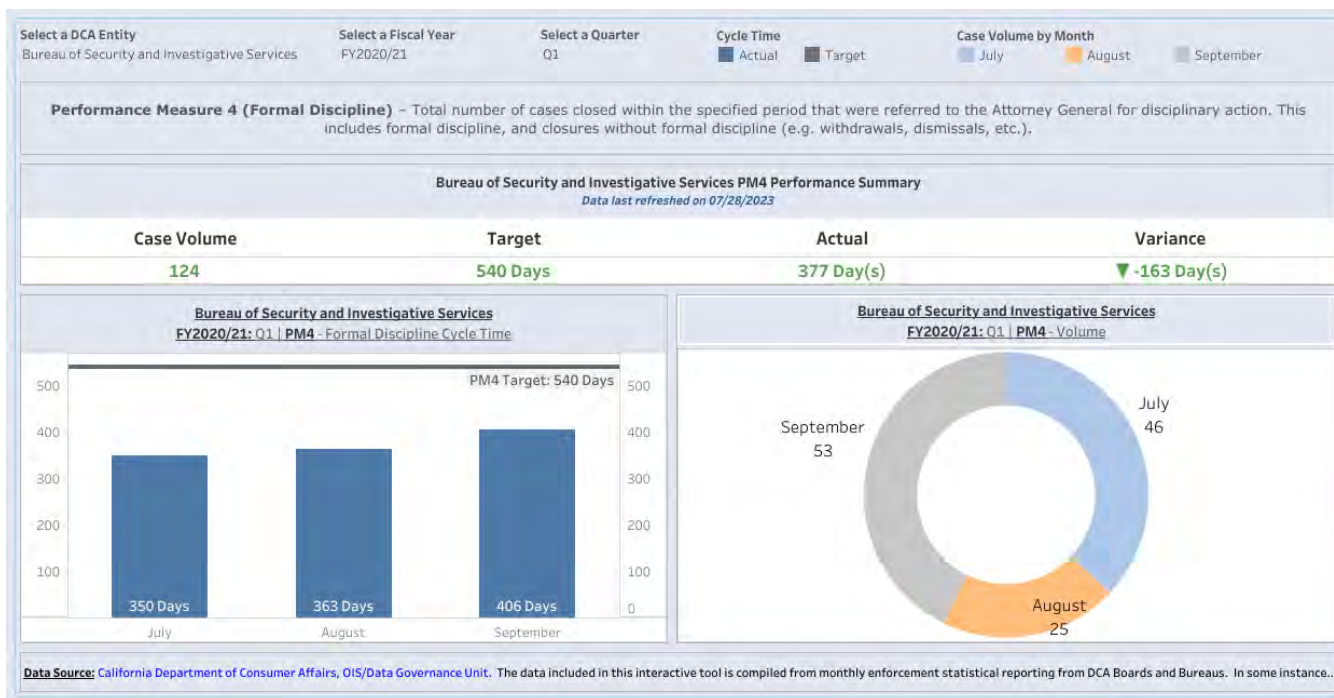
Complaints Volume	Conviction/Arrest Volume	Total Volume
625	5,735	6,363

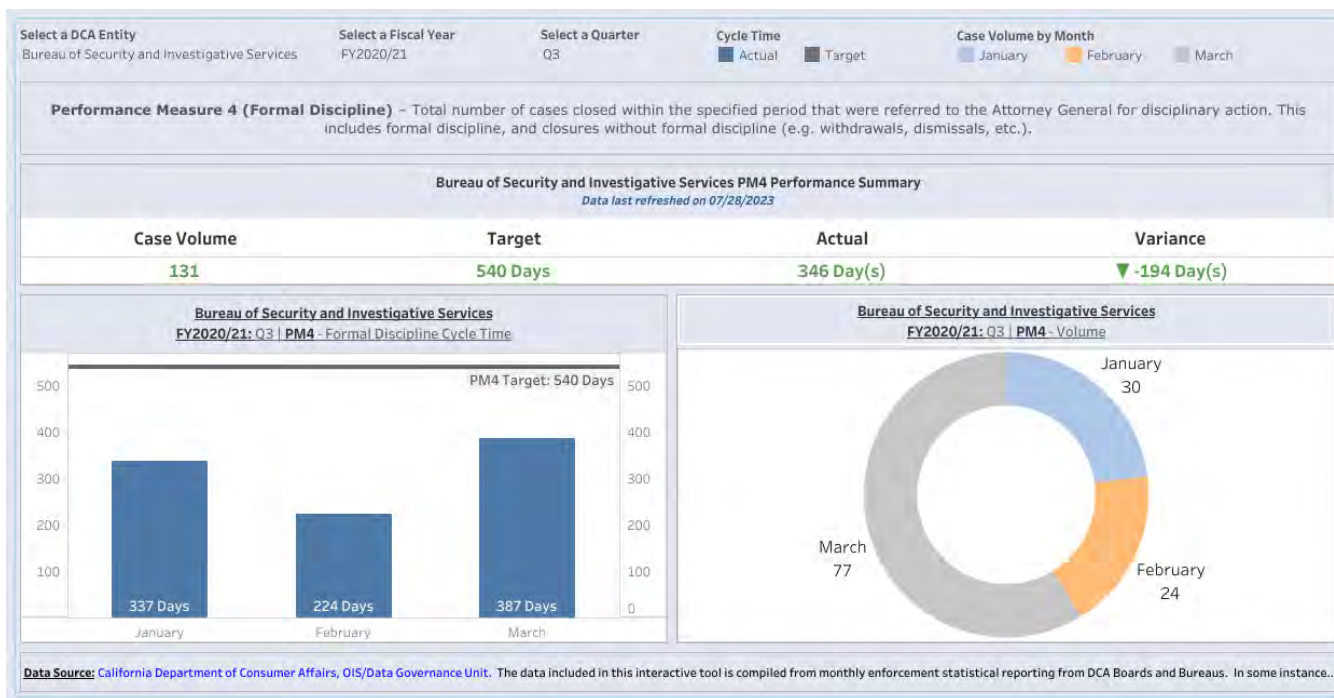


Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances, data may be preliminary.











Select a DCA Entity
Bureau of Security and Investigative Services

Select a Fiscal Year
FY2021/22

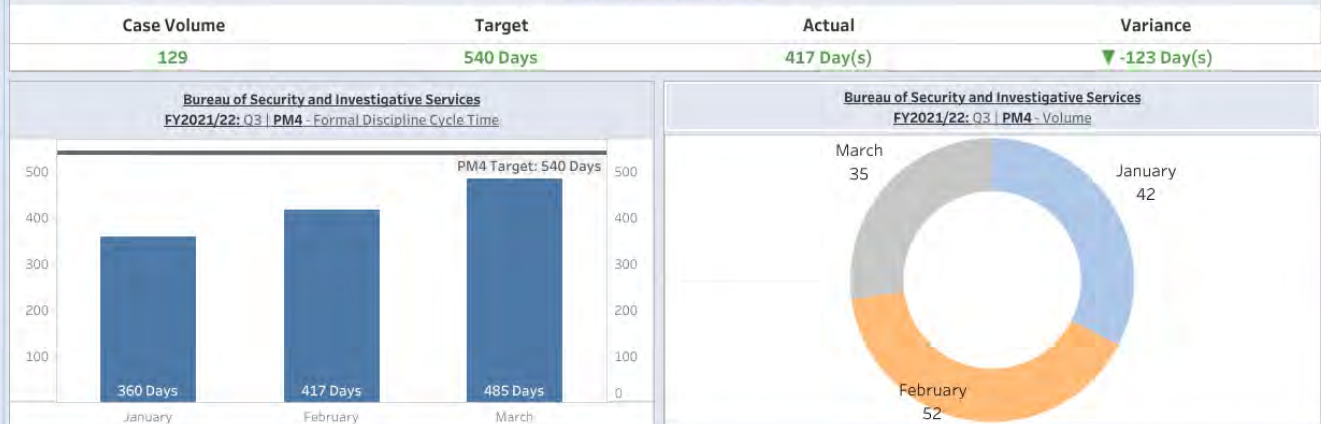
Select a Quarter
Q3

Cycle Time
Actual Target

Case Volume by Month
January February March

Performance Measure 4 (Formal Discipline) – Total number of cases closed within the specified period that were referred to the Attorney General for disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.).

Bureau of Security and Investigative Services PM4 Performance Summary
Data last refreshed on 07/28/2023



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instance..

Select a DCA Entity
Bureau of Security and Investigative Services

Select a Fiscal Year
FY2021/22

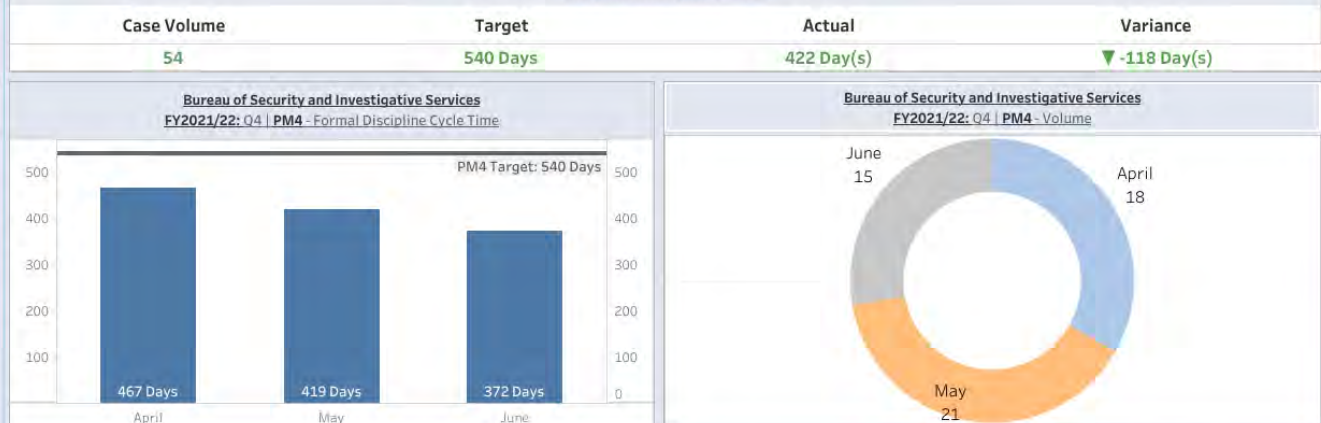
Select a Quarter
Q4

Cycle Time
Actual Target

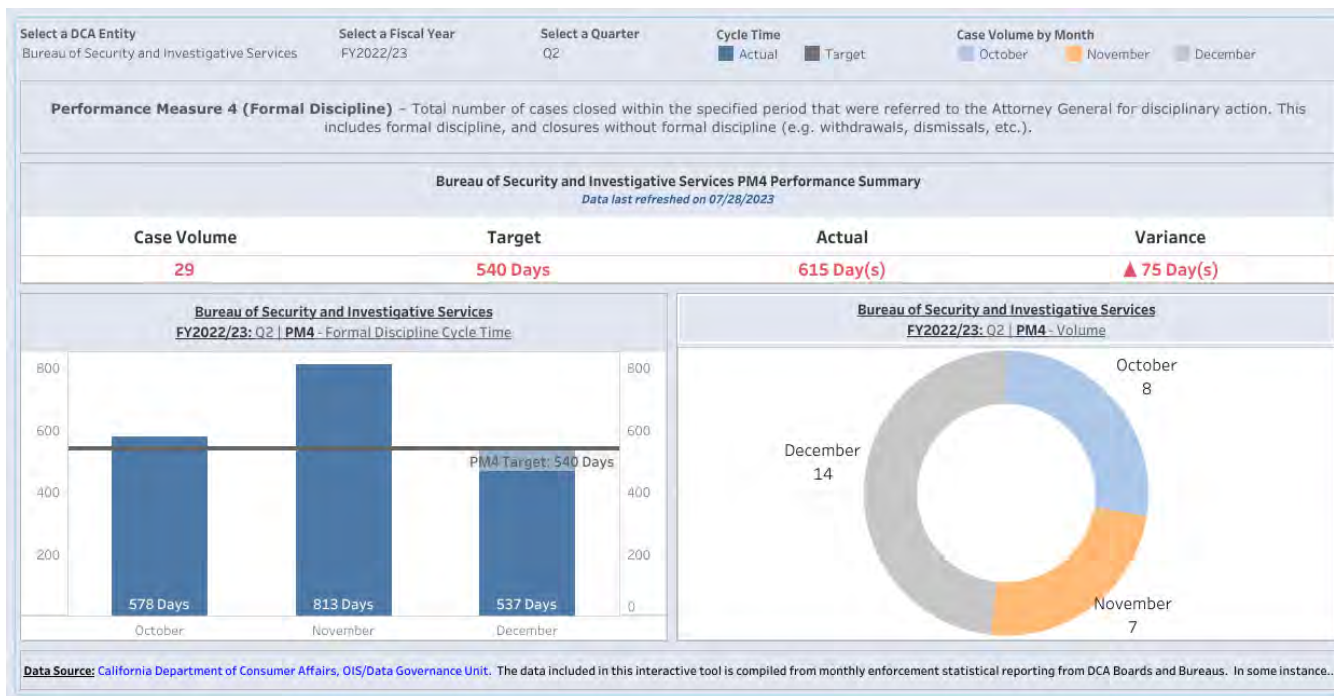
Case Volume by Month
April May June

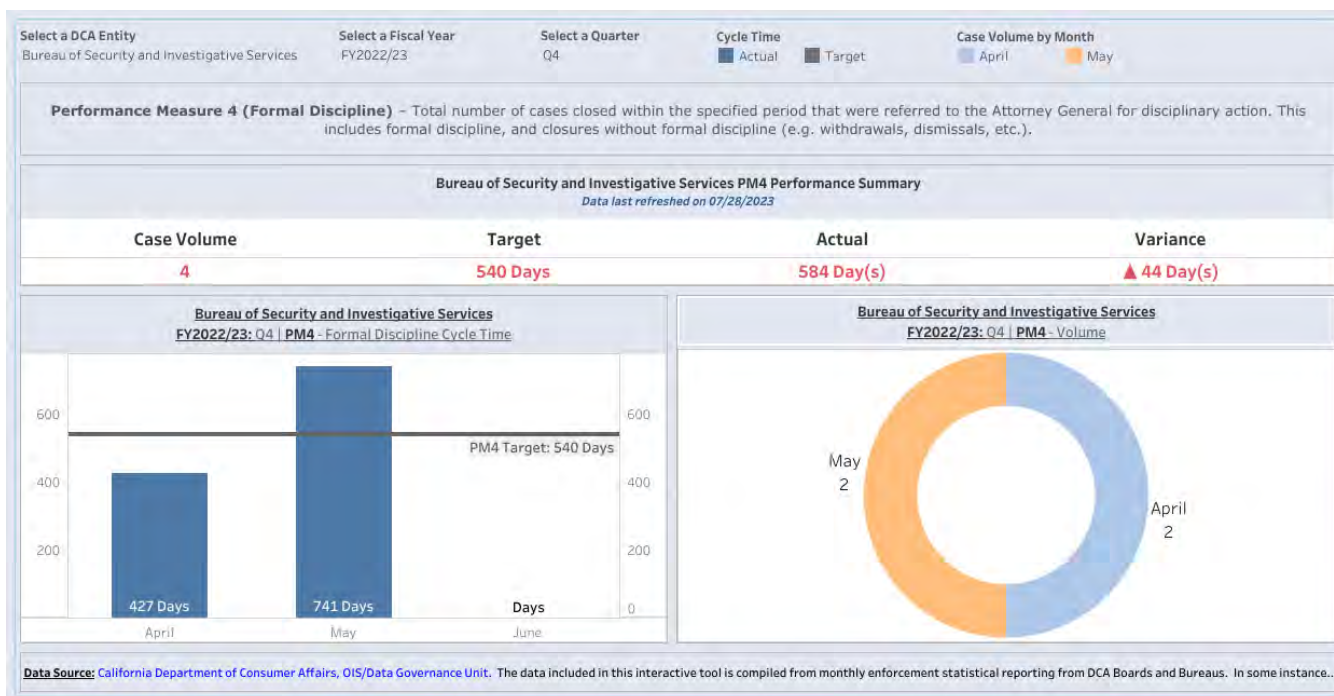
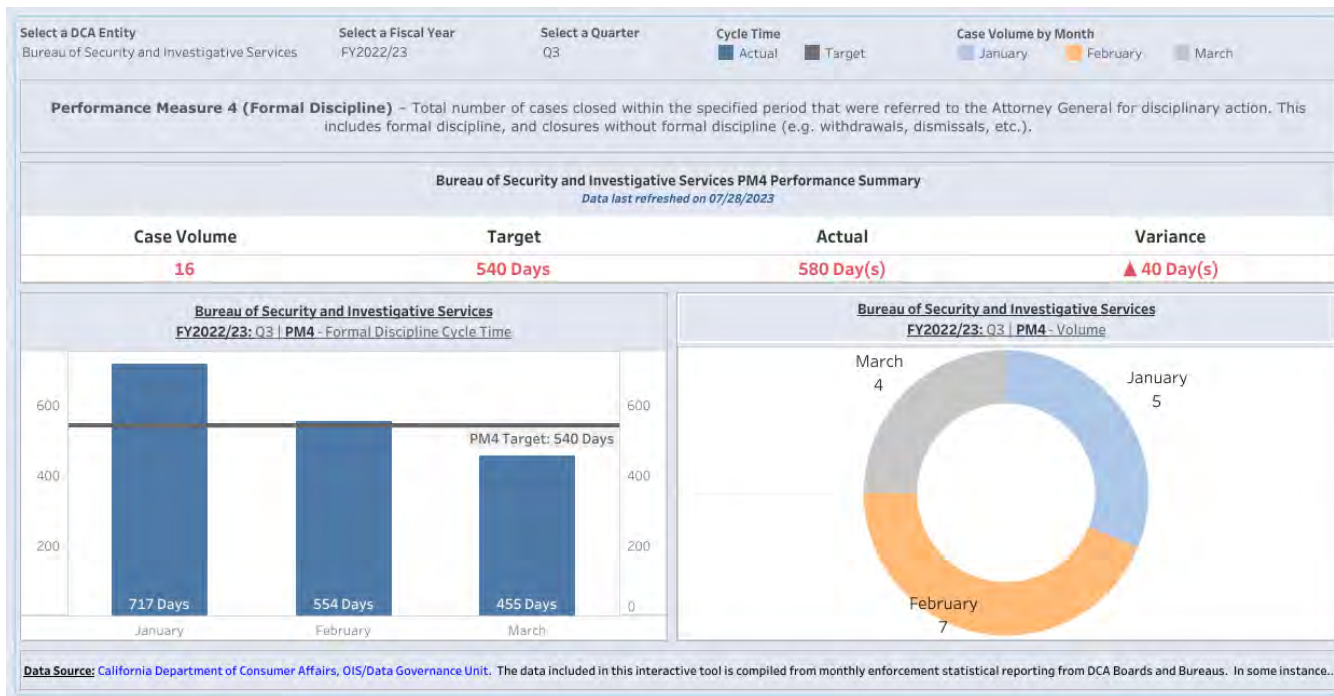
Performance Measure 4 (Formal Discipline) – Total number of cases closed within the specified period that were referred to the Attorney General for disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.).

Bureau of Security and Investigative Services PM4 Performance Summary
Data last refreshed on 07/28/2023

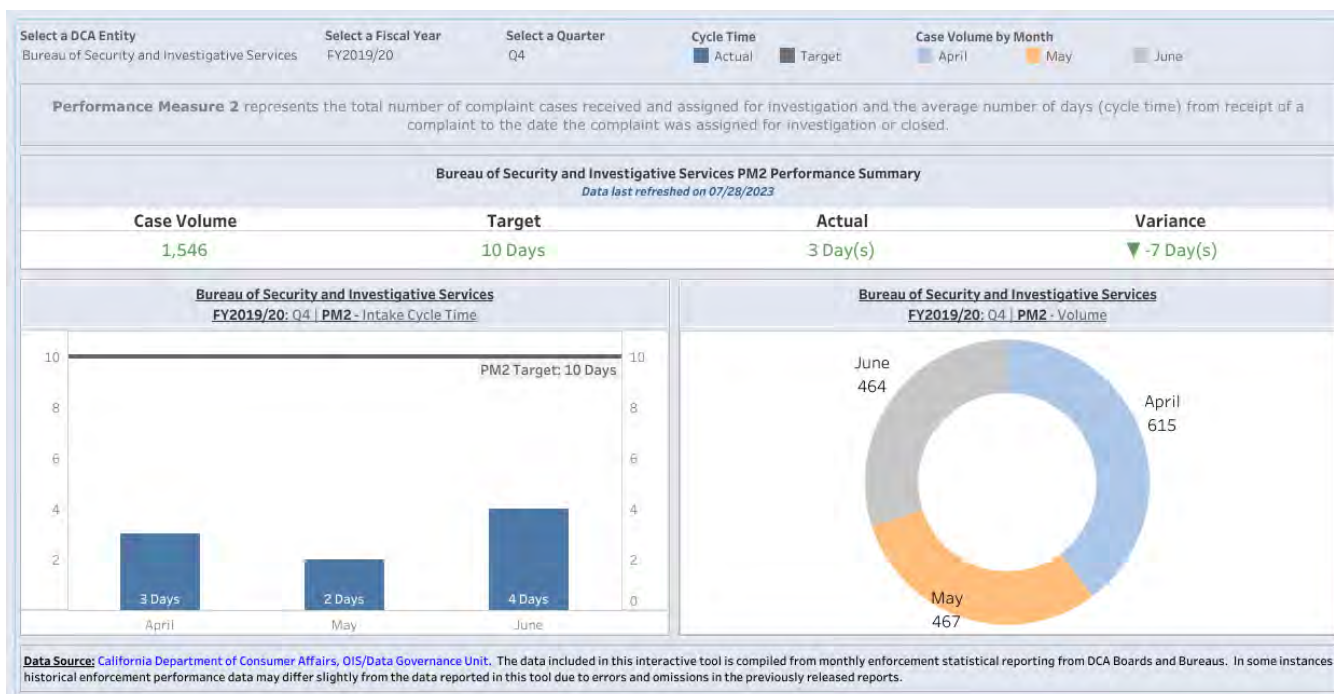


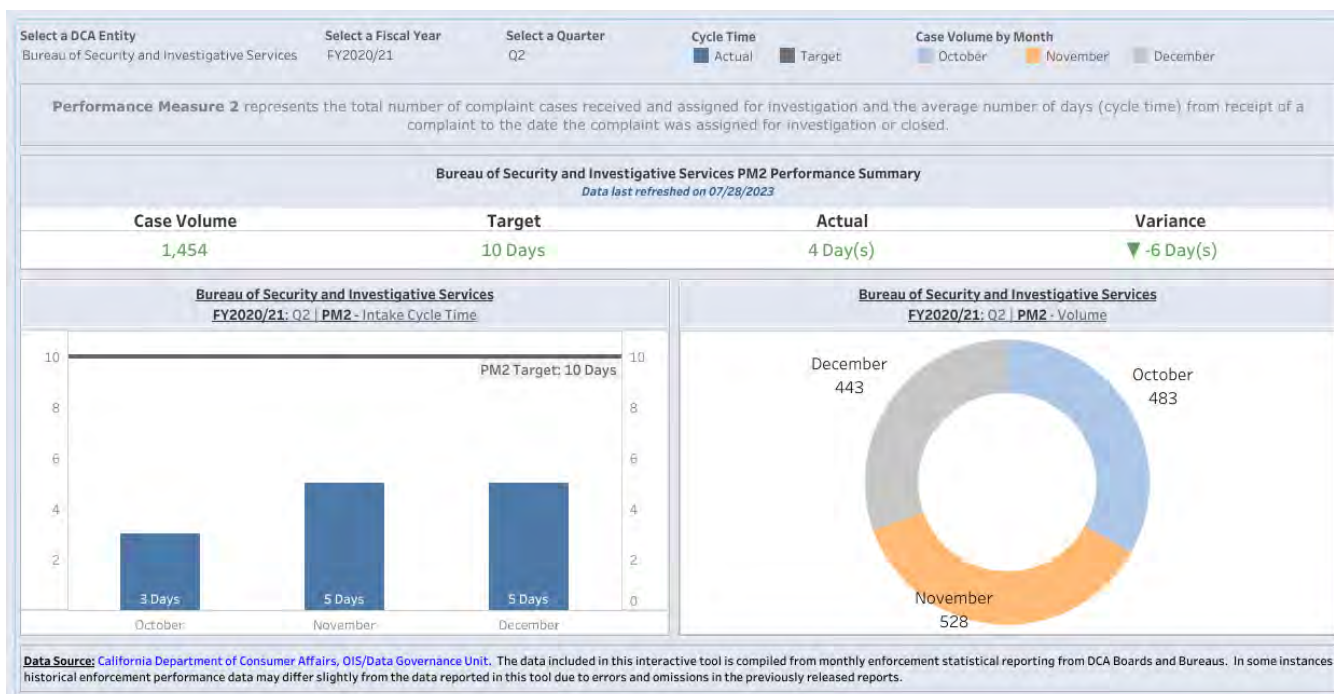
Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instance..

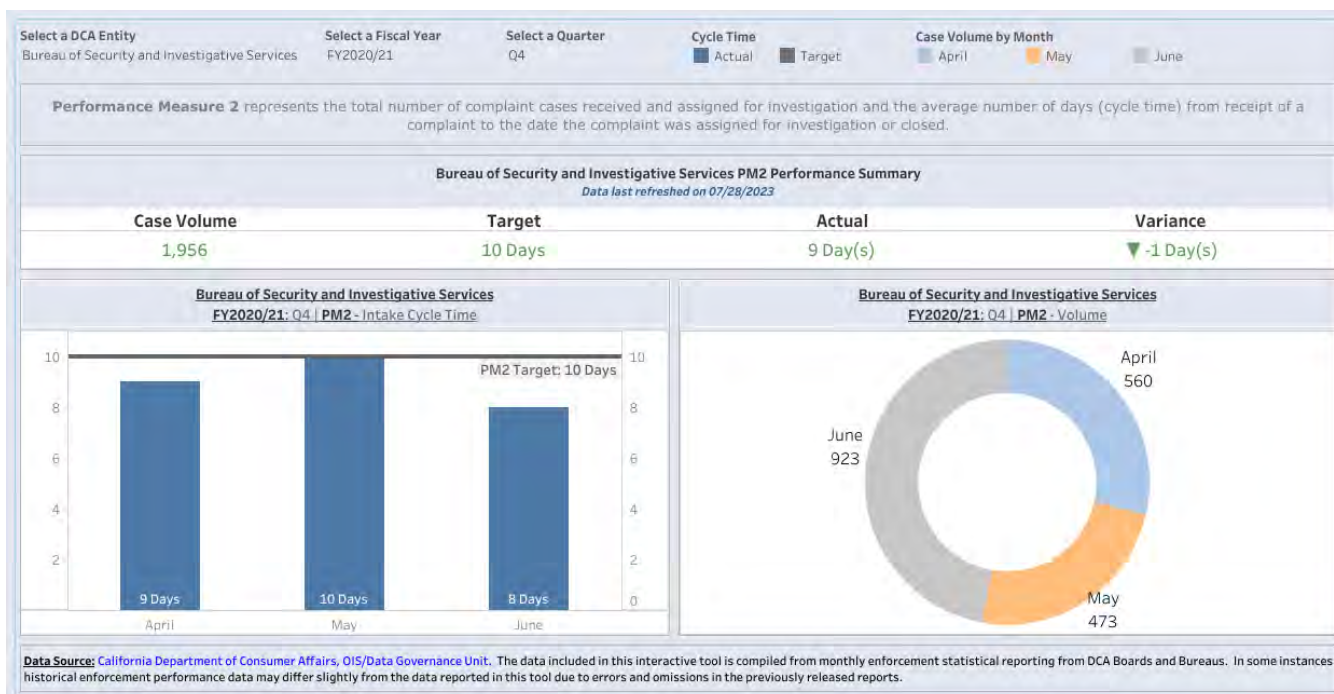






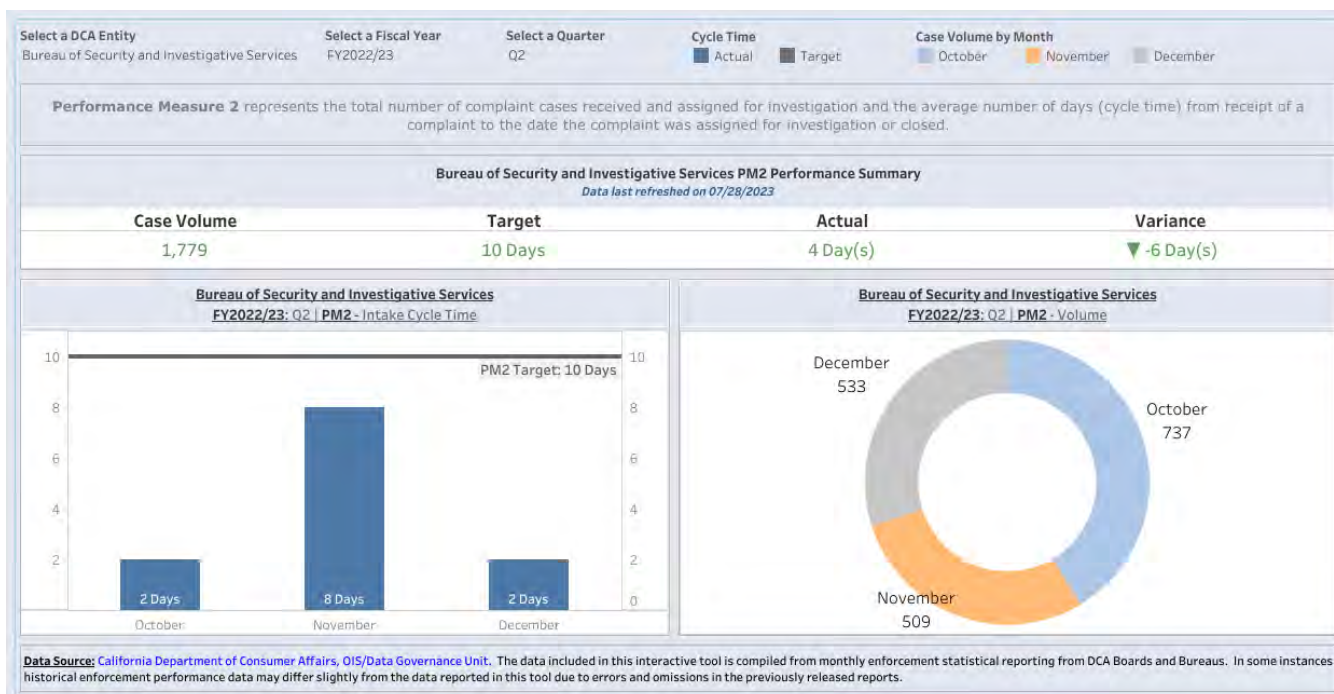


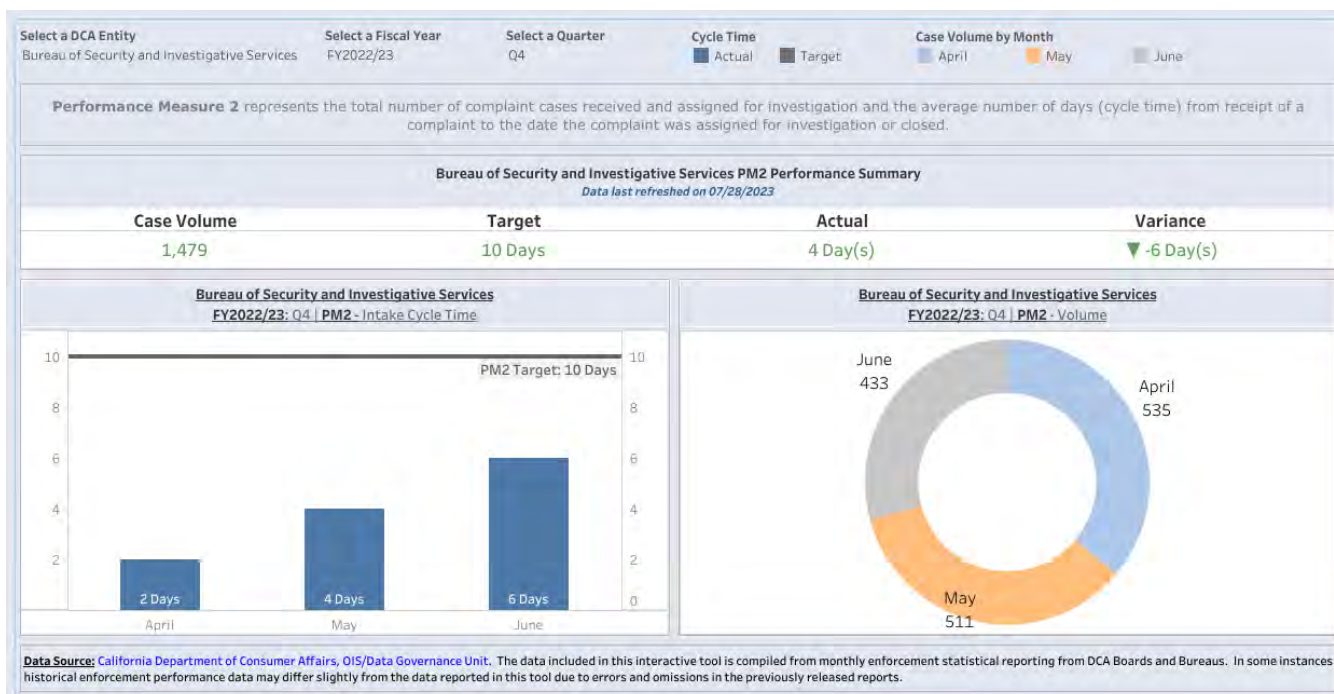


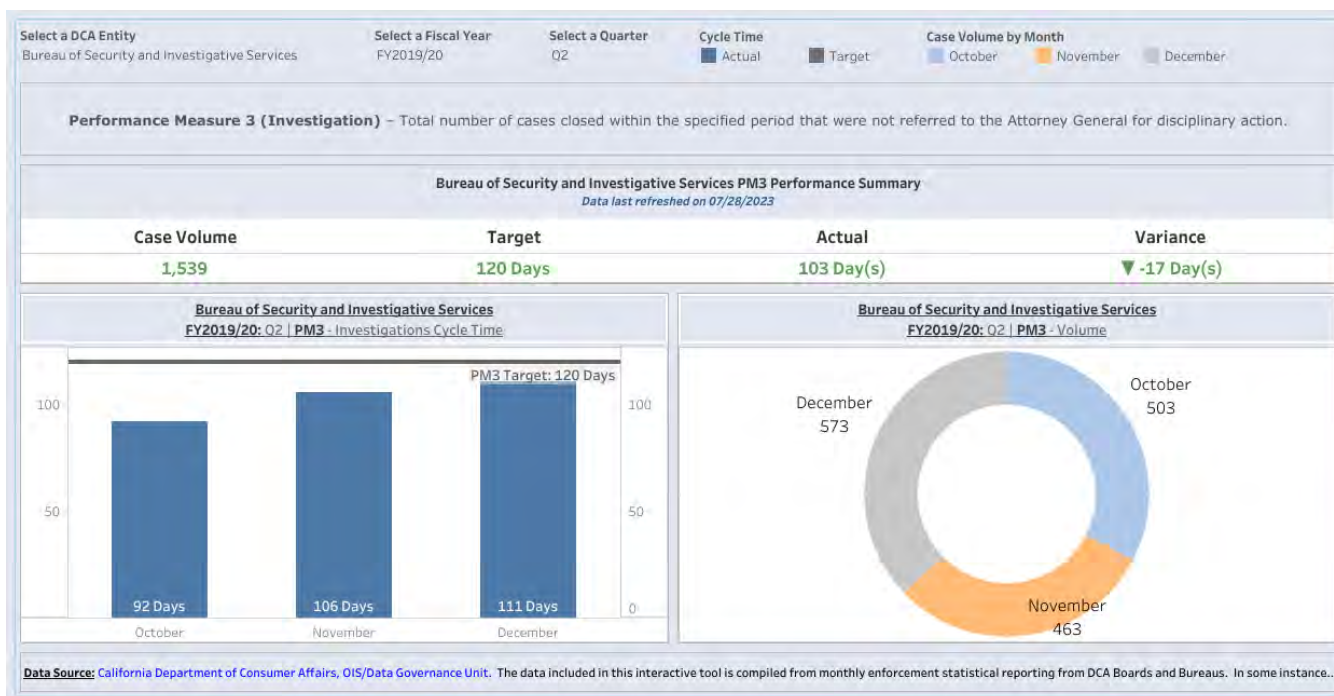
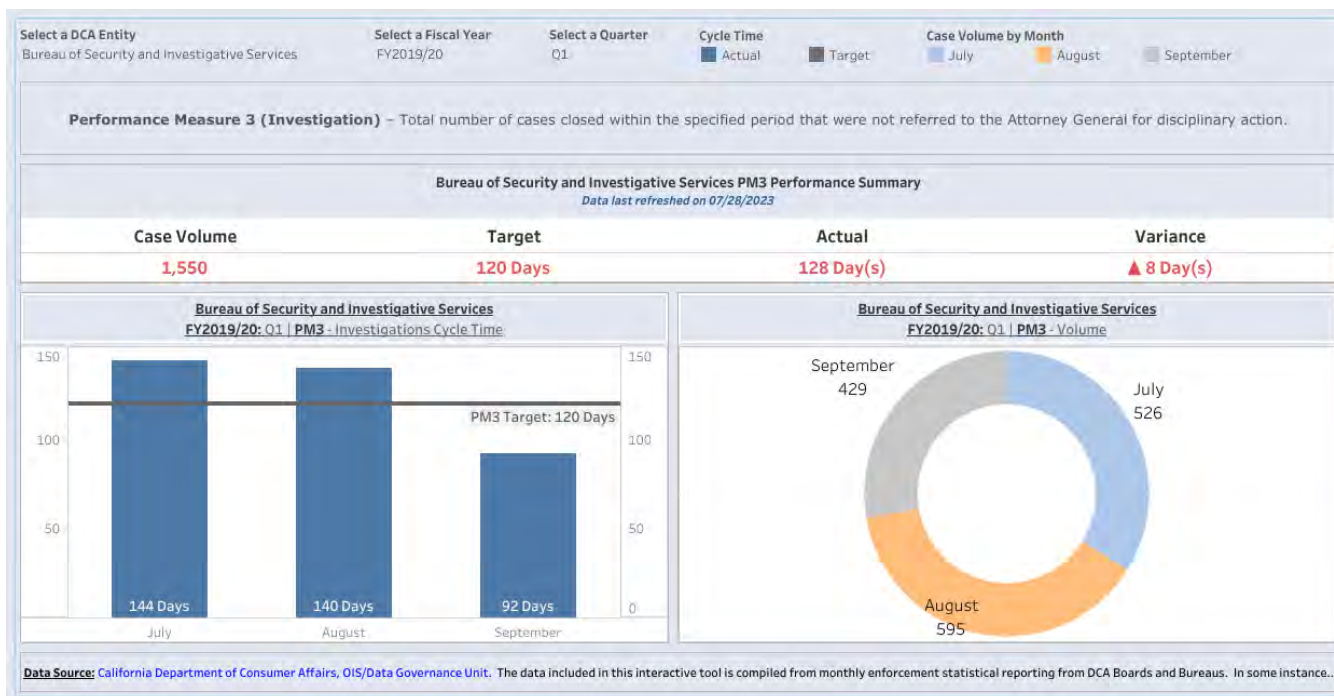


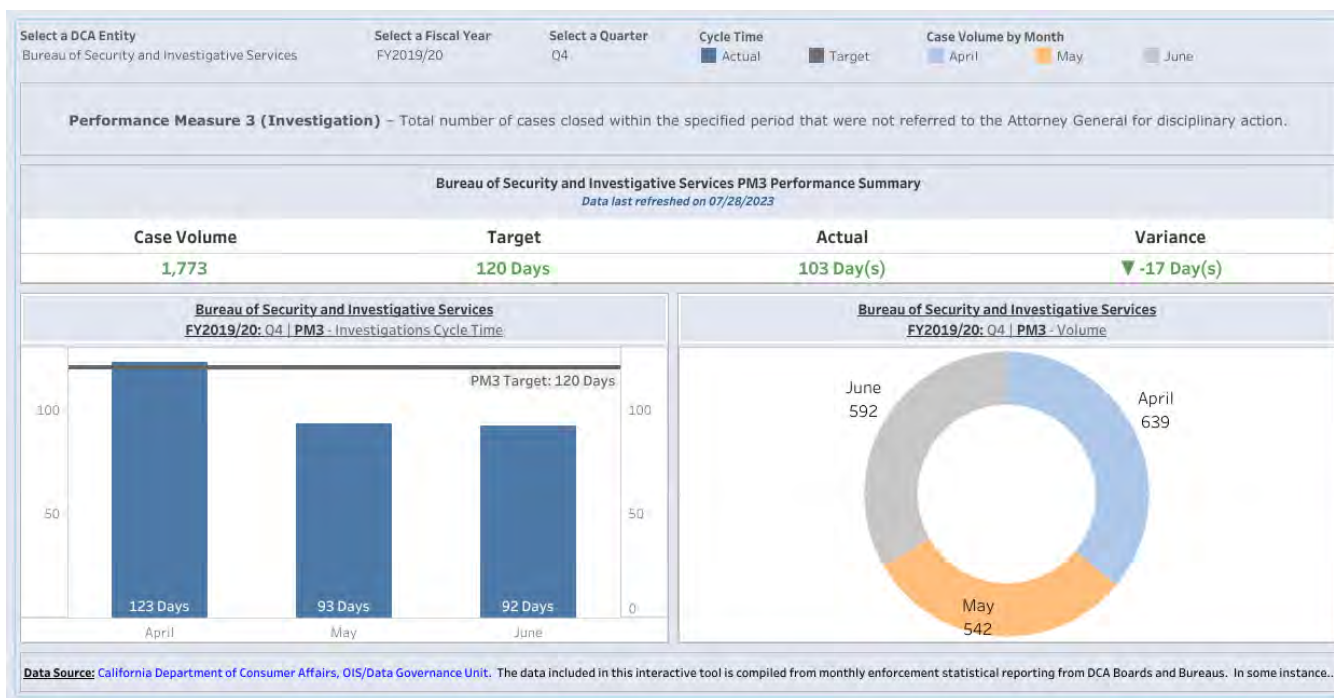
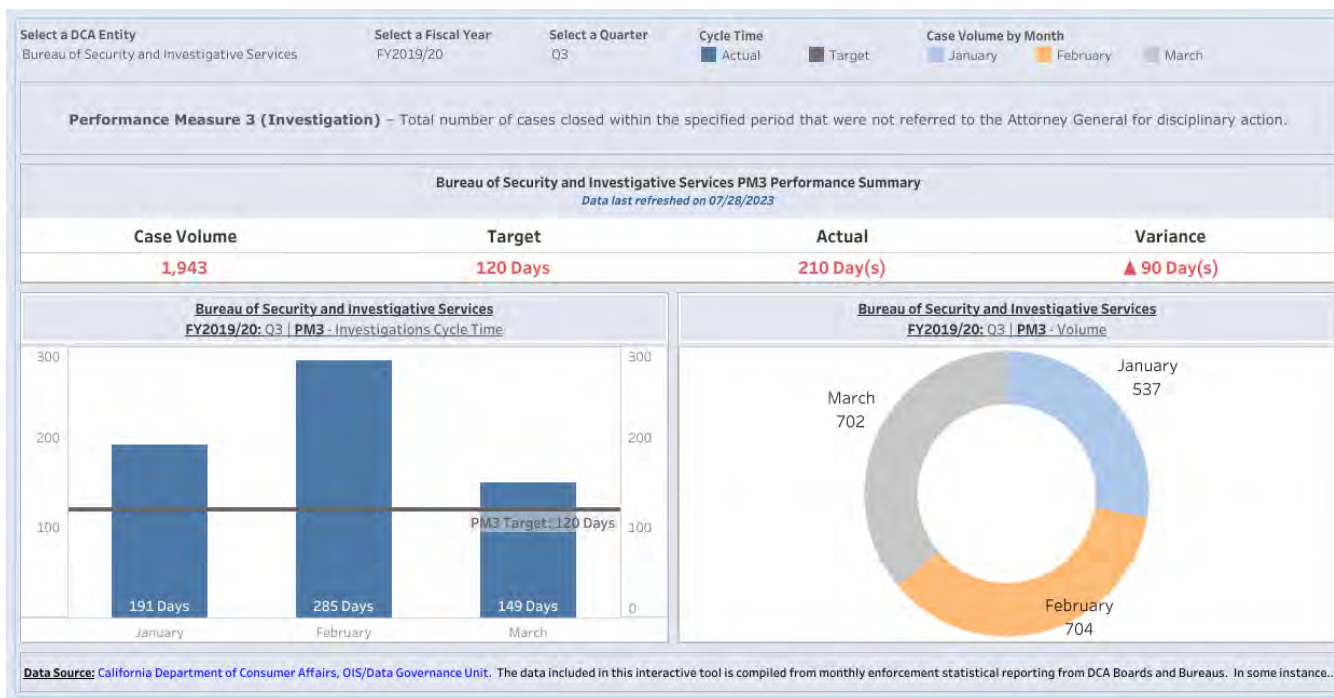


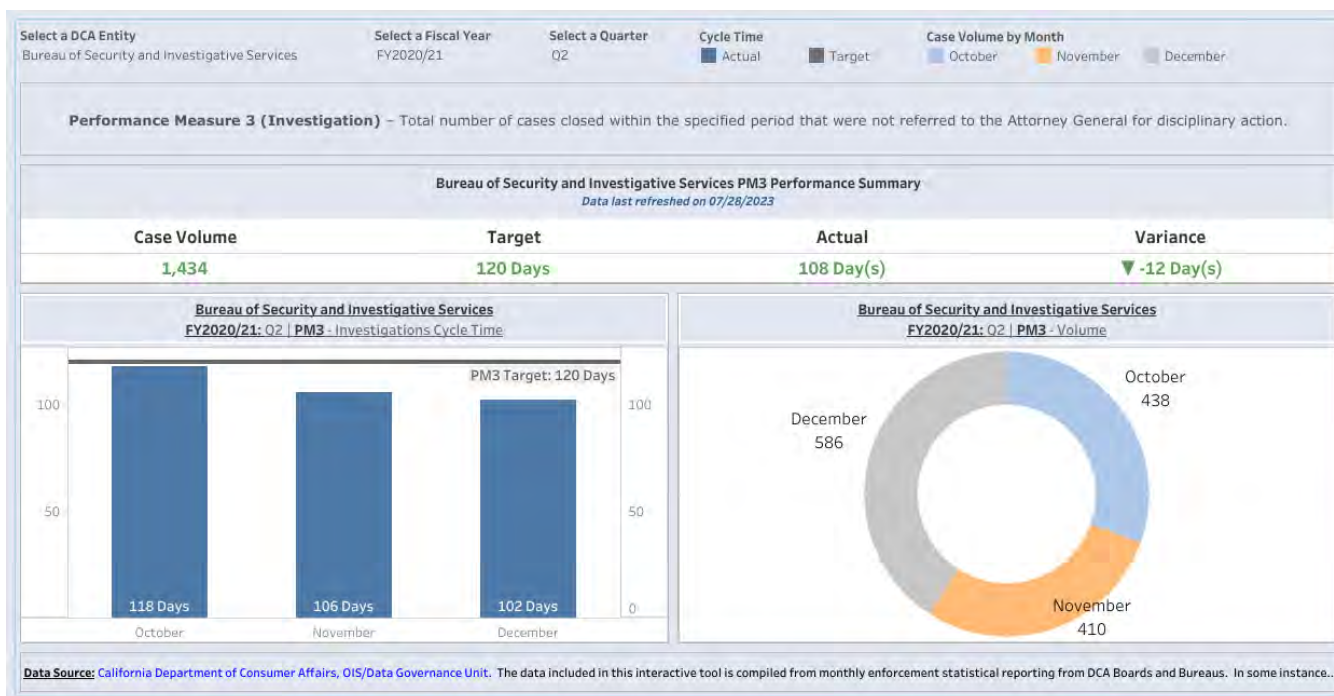
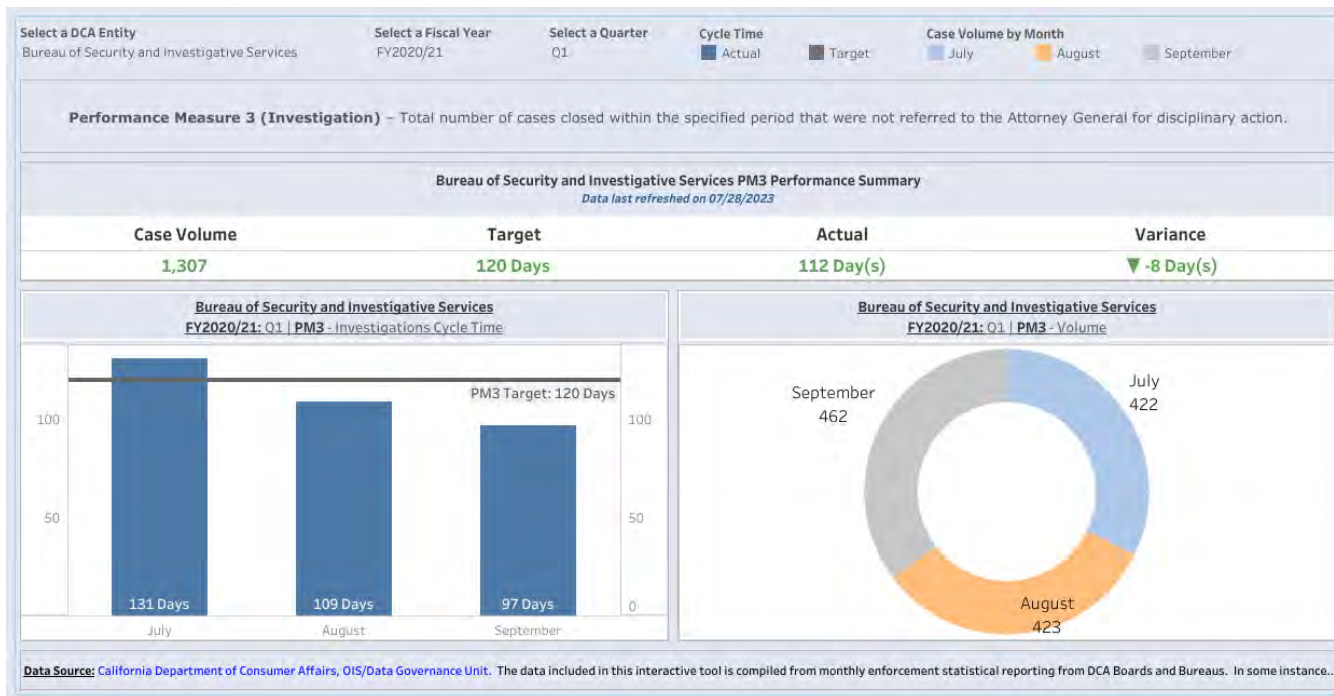


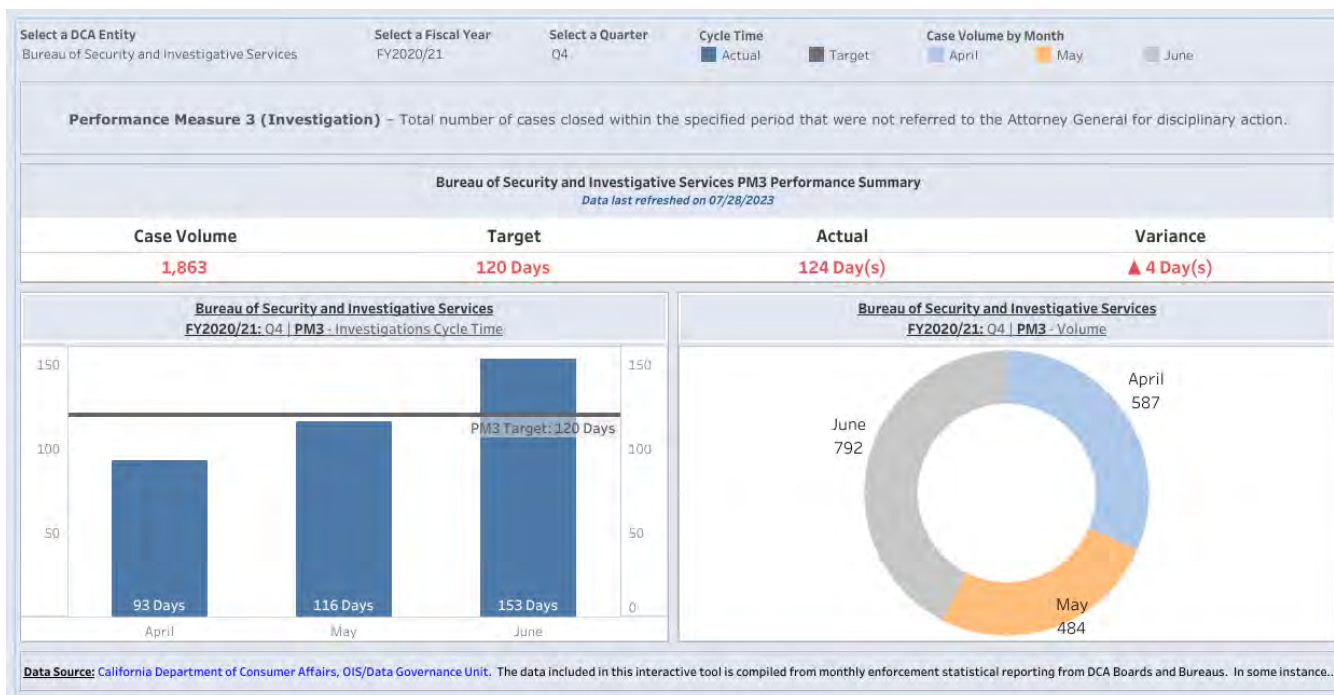
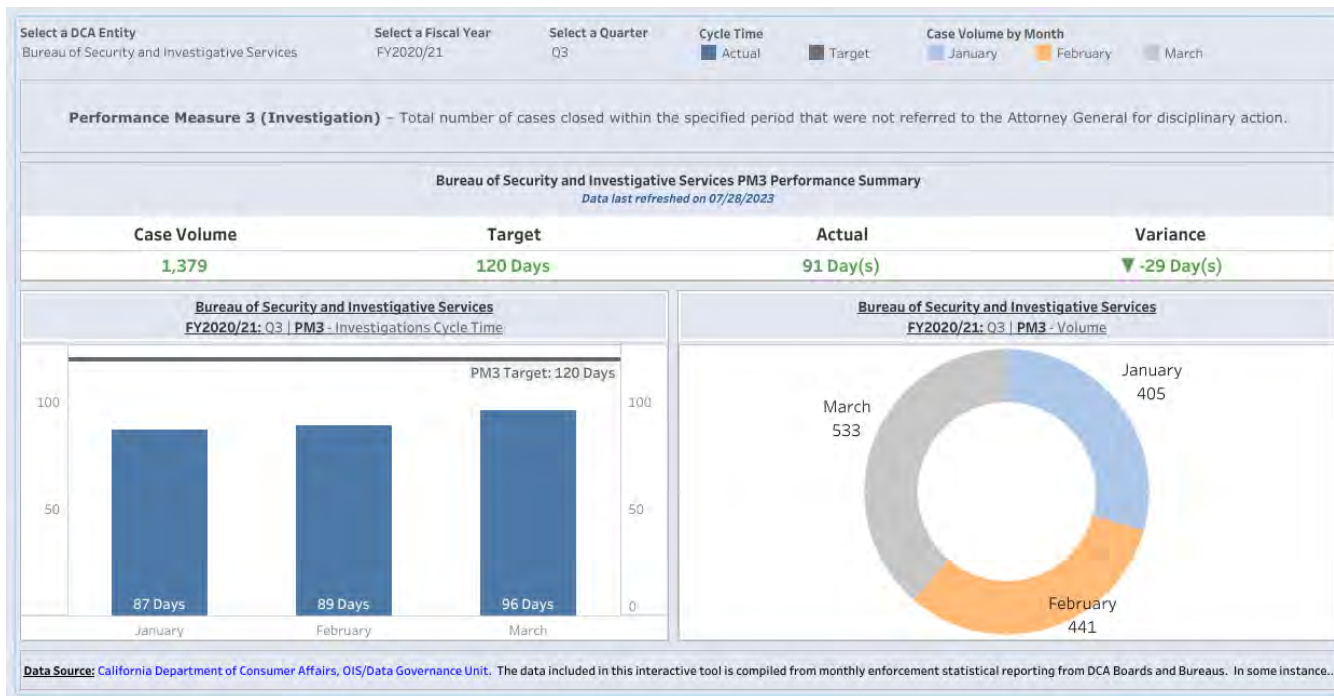


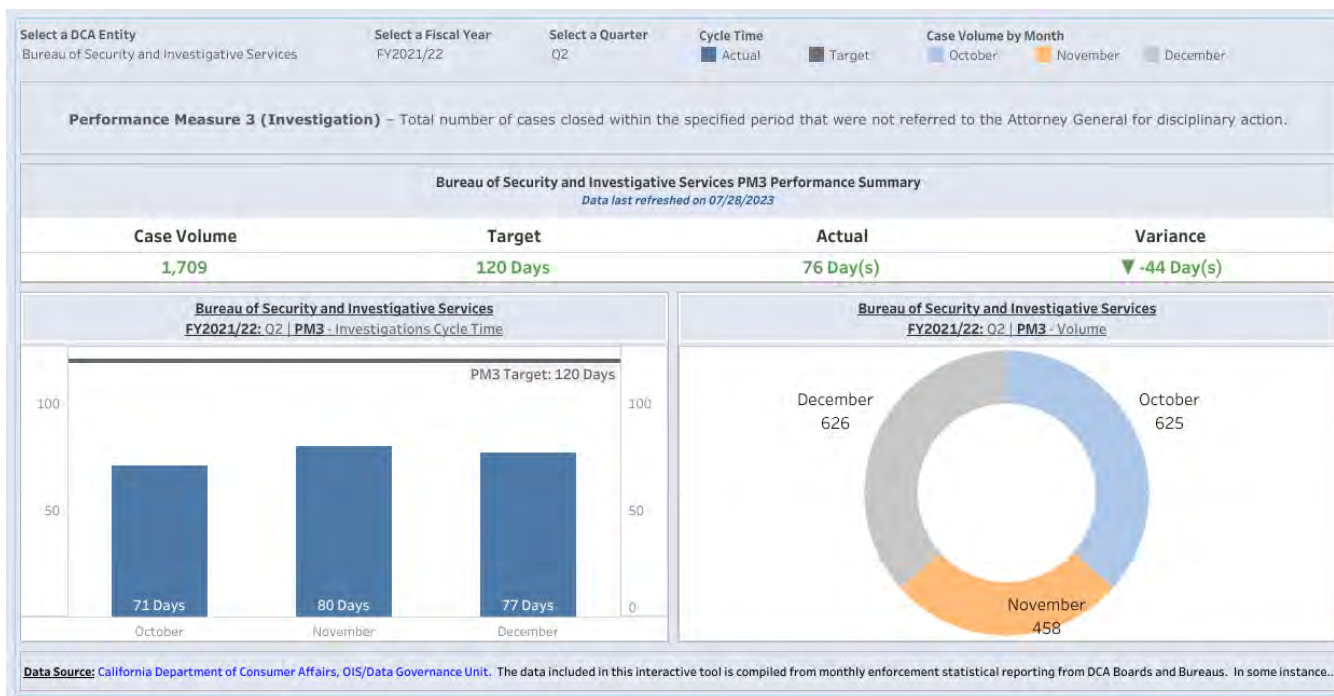
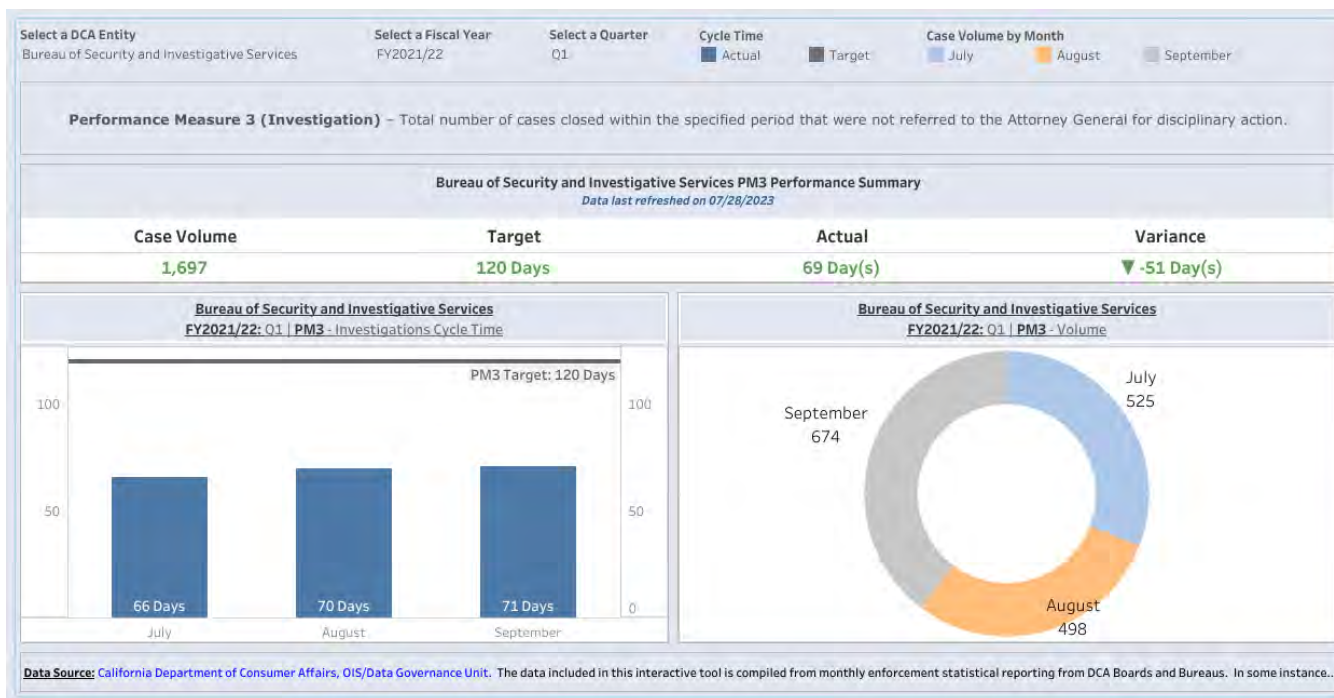


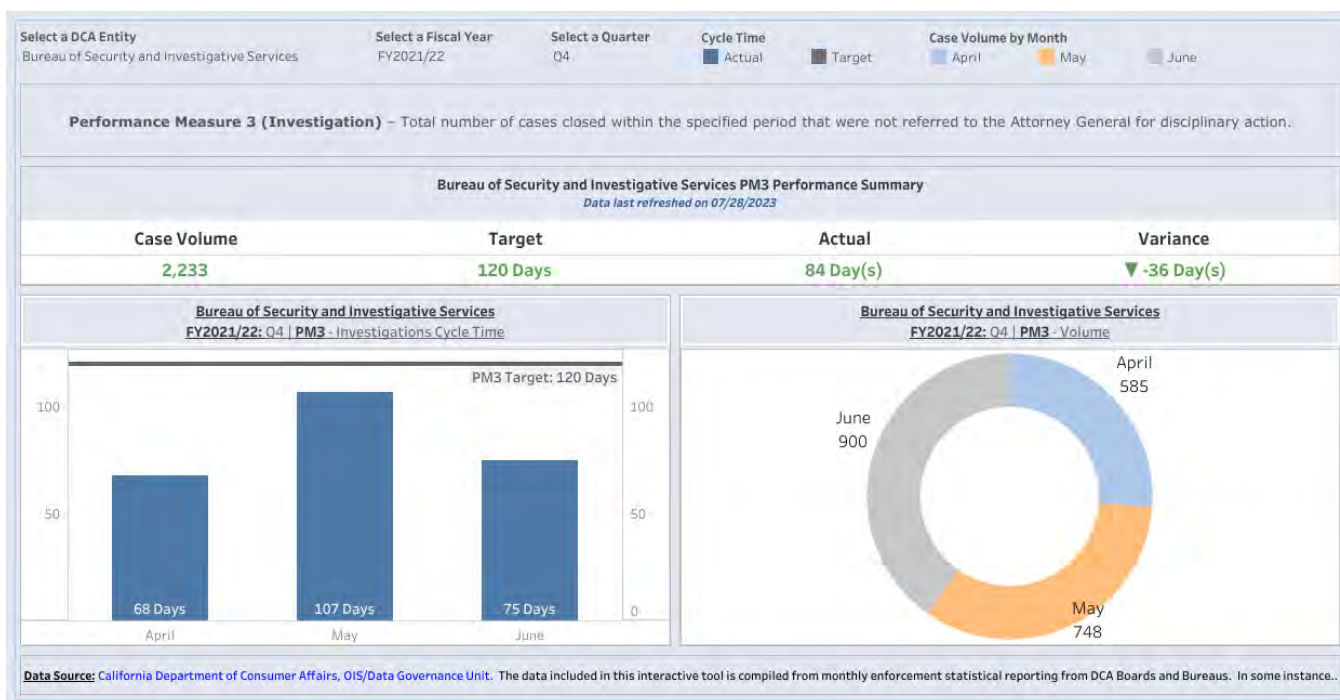
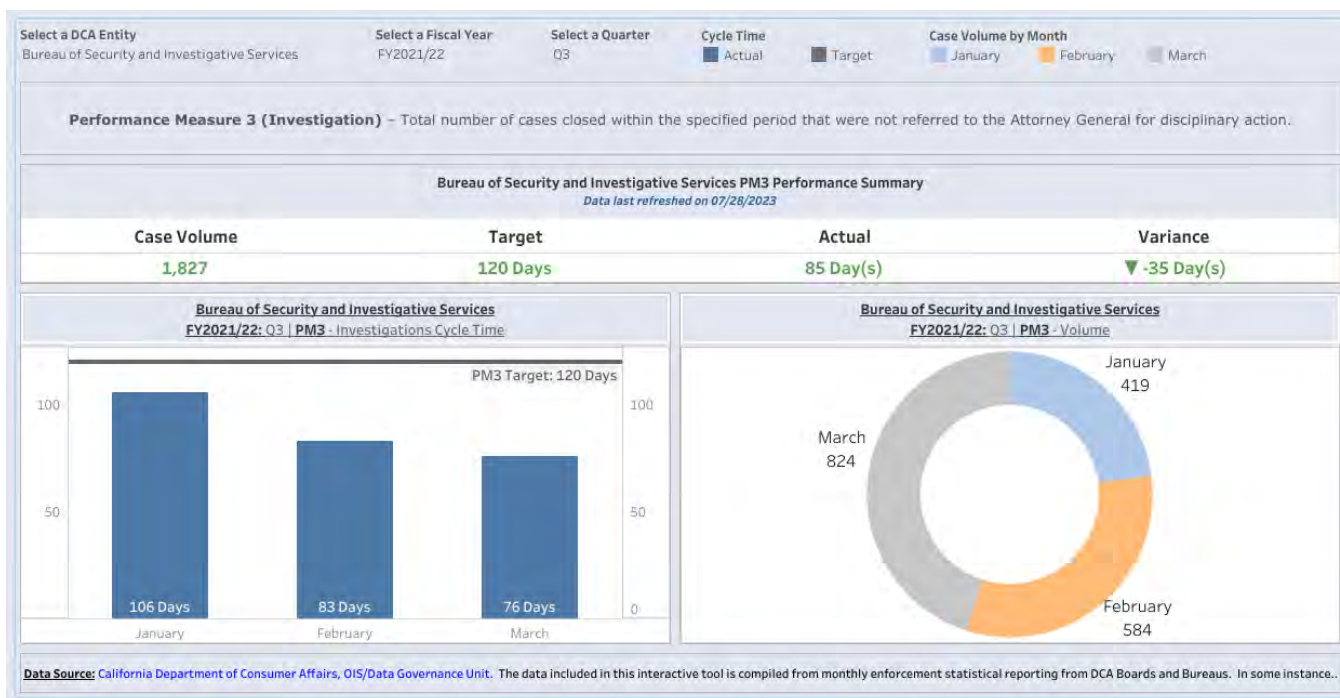


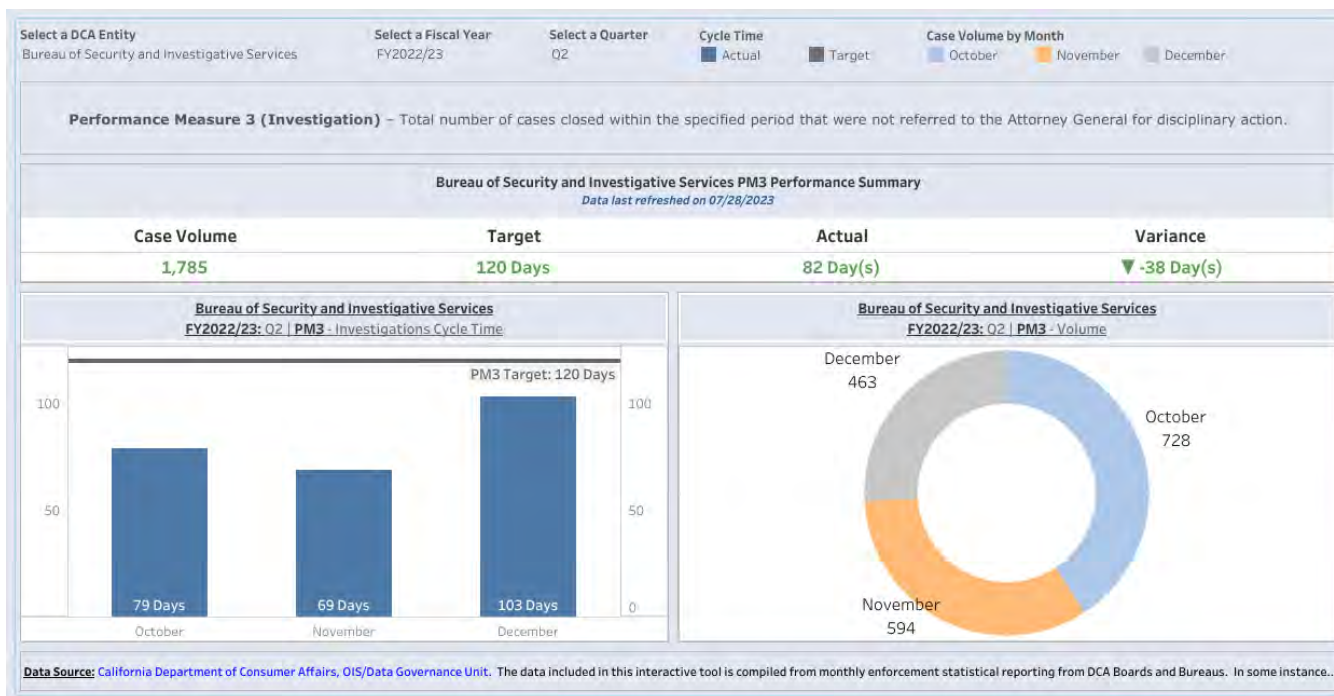
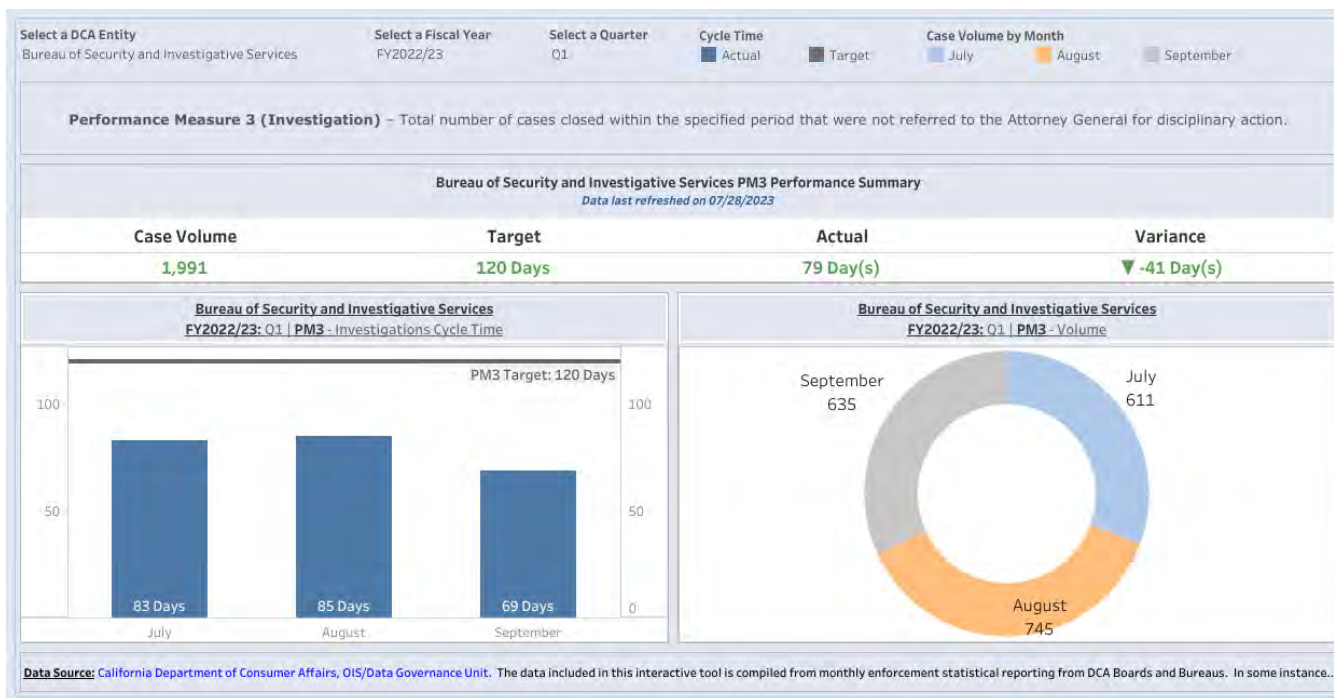


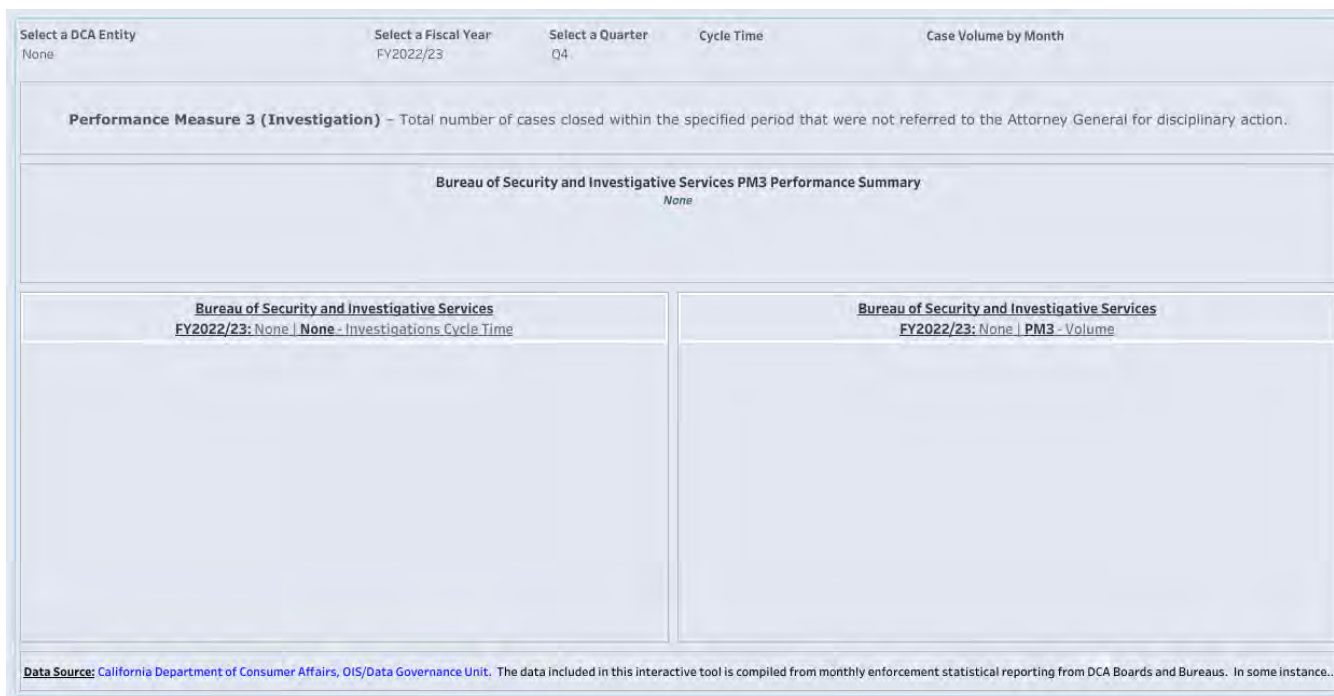
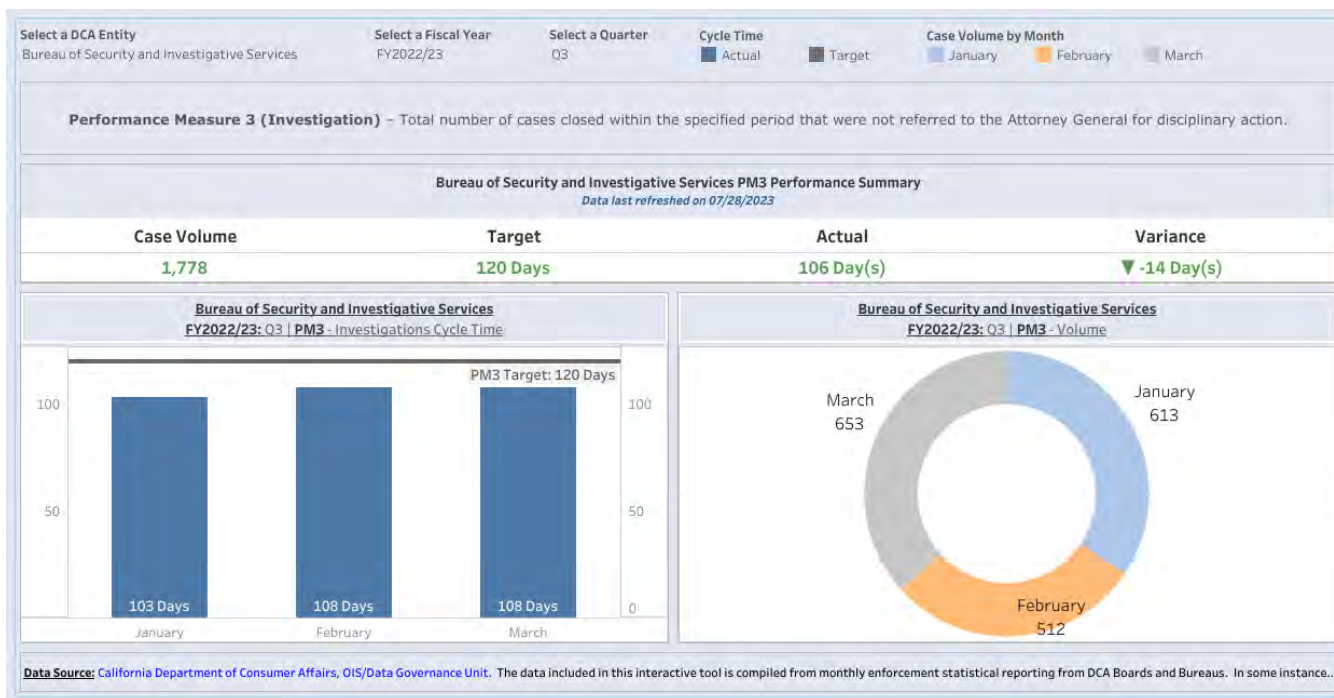


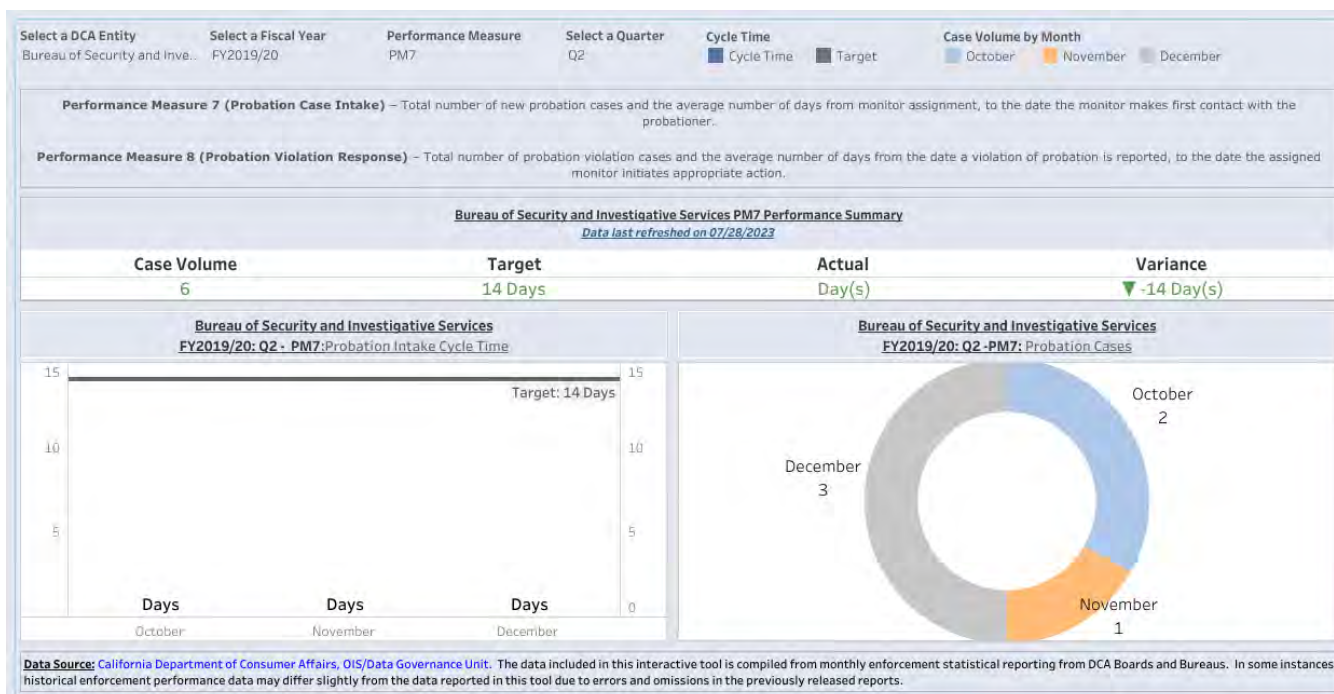
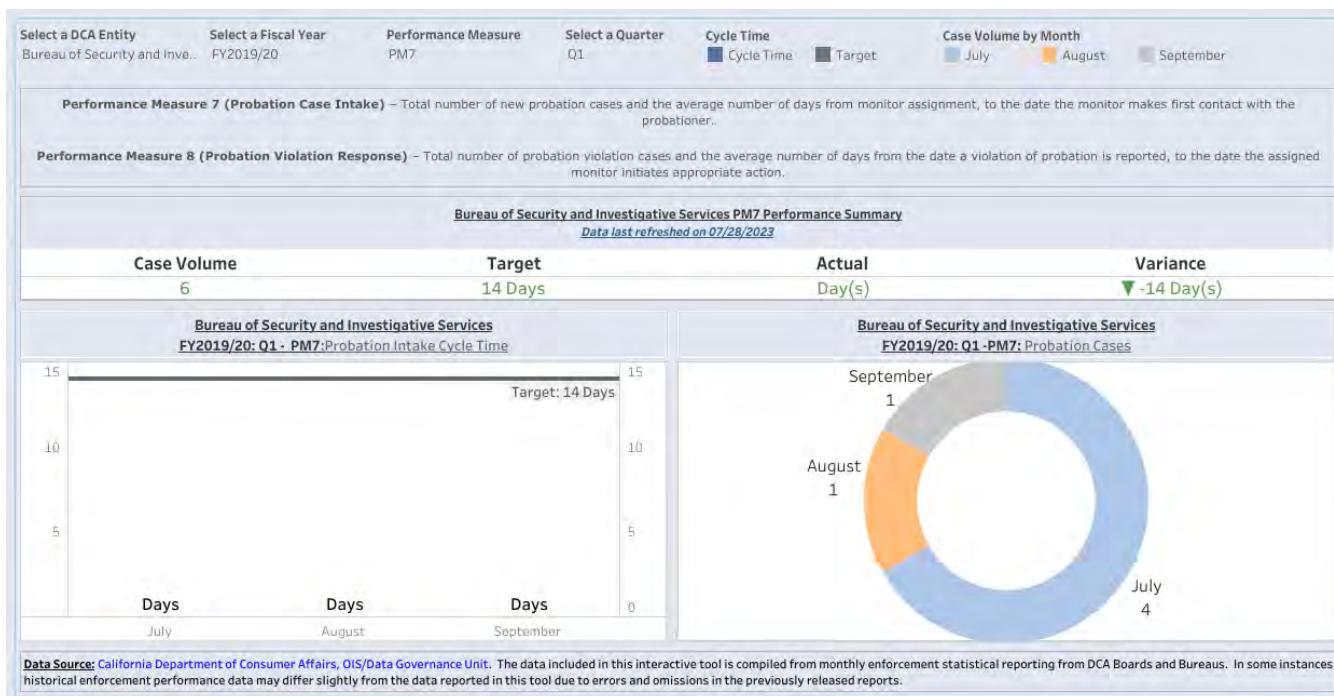


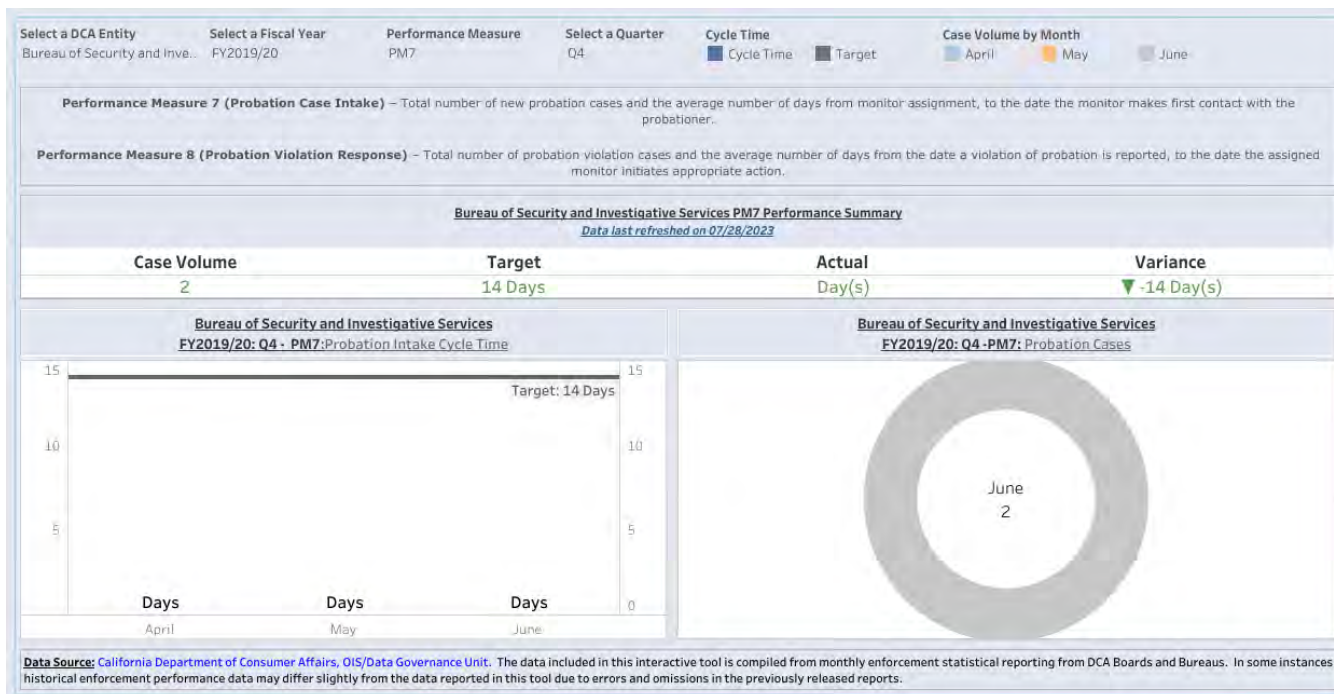
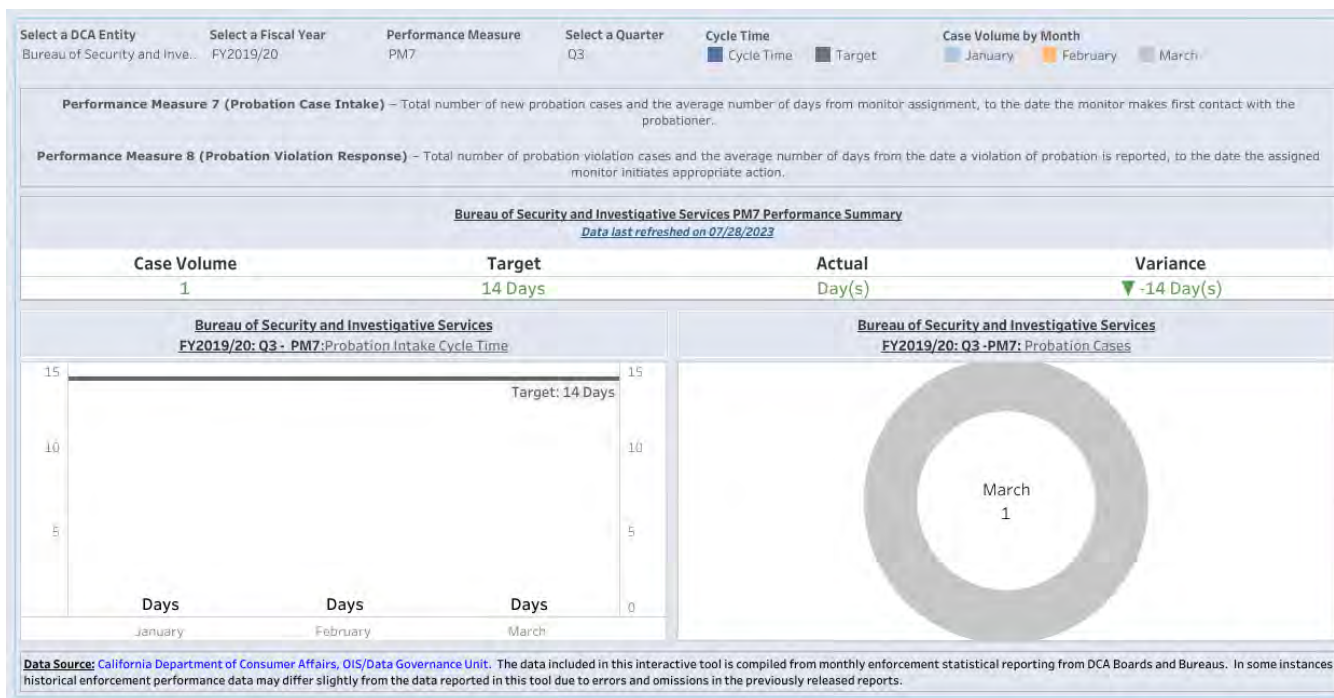


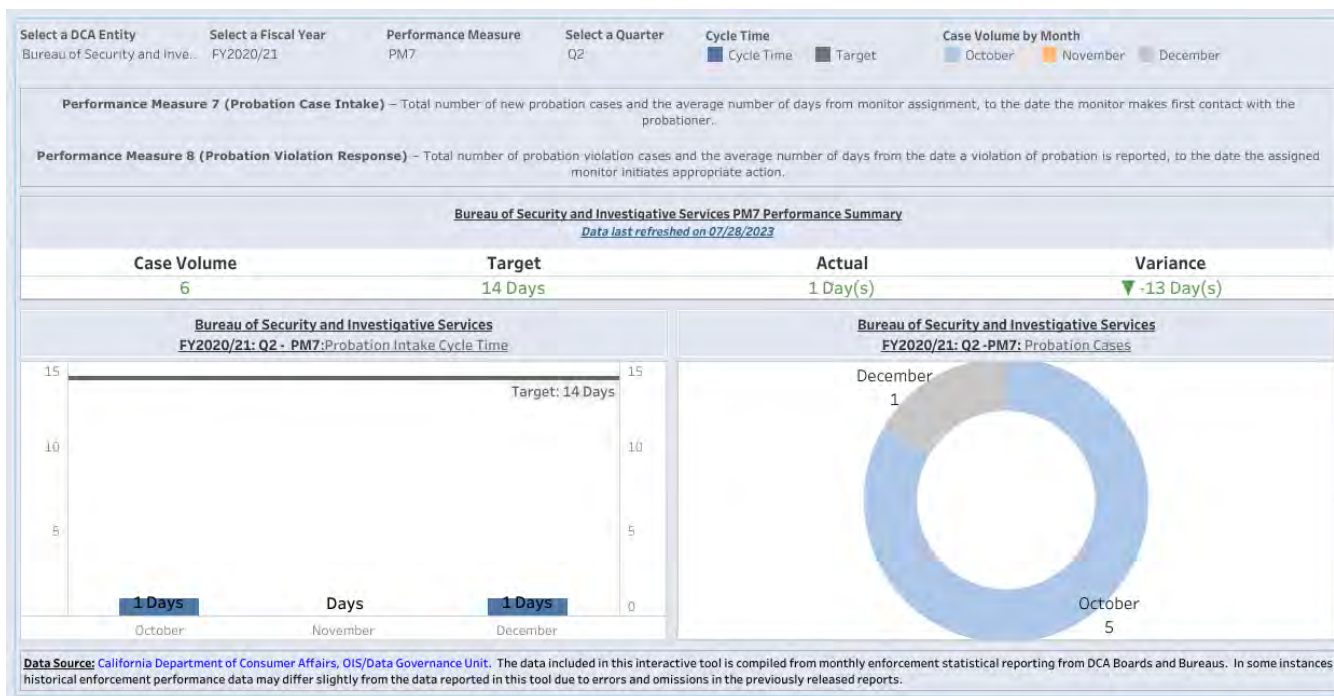
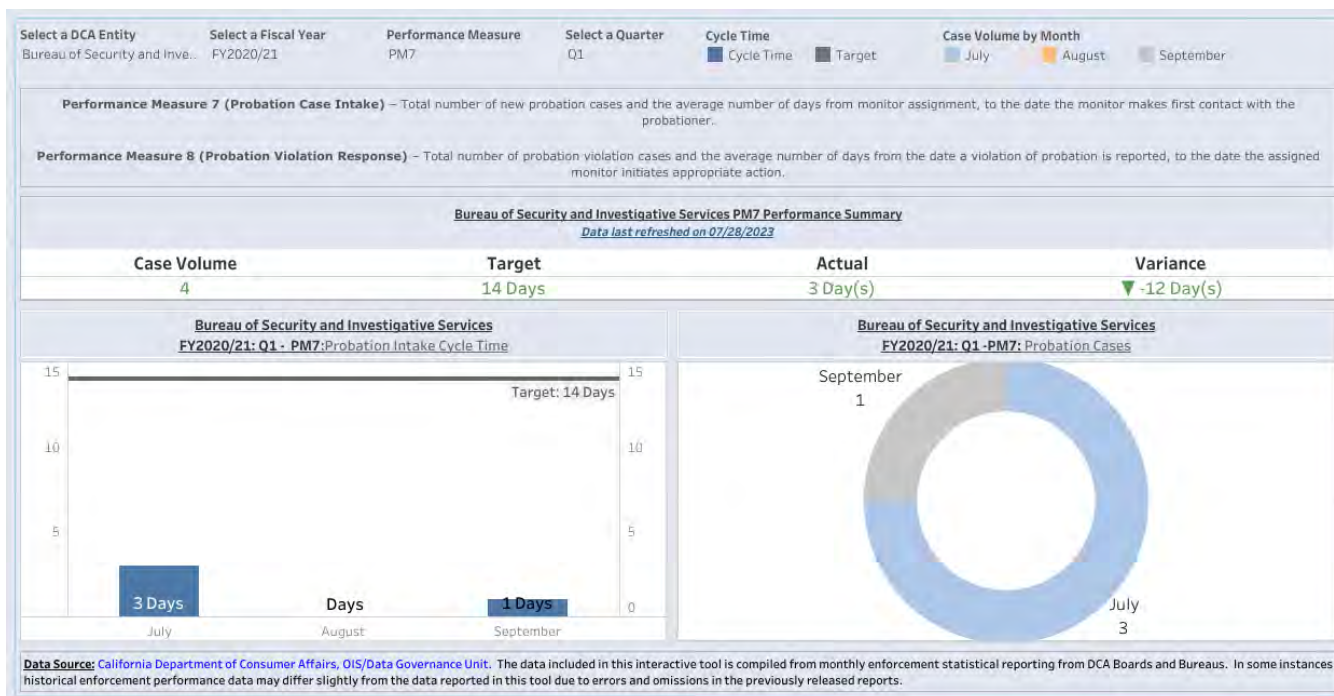


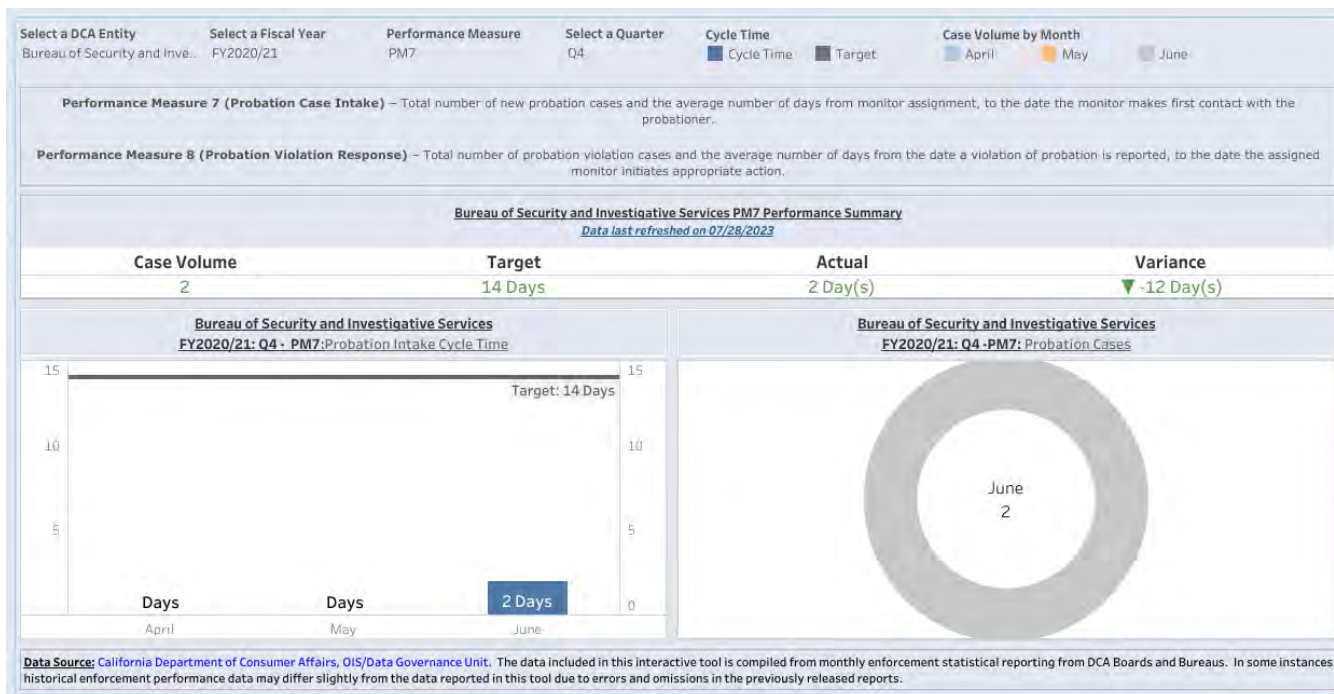
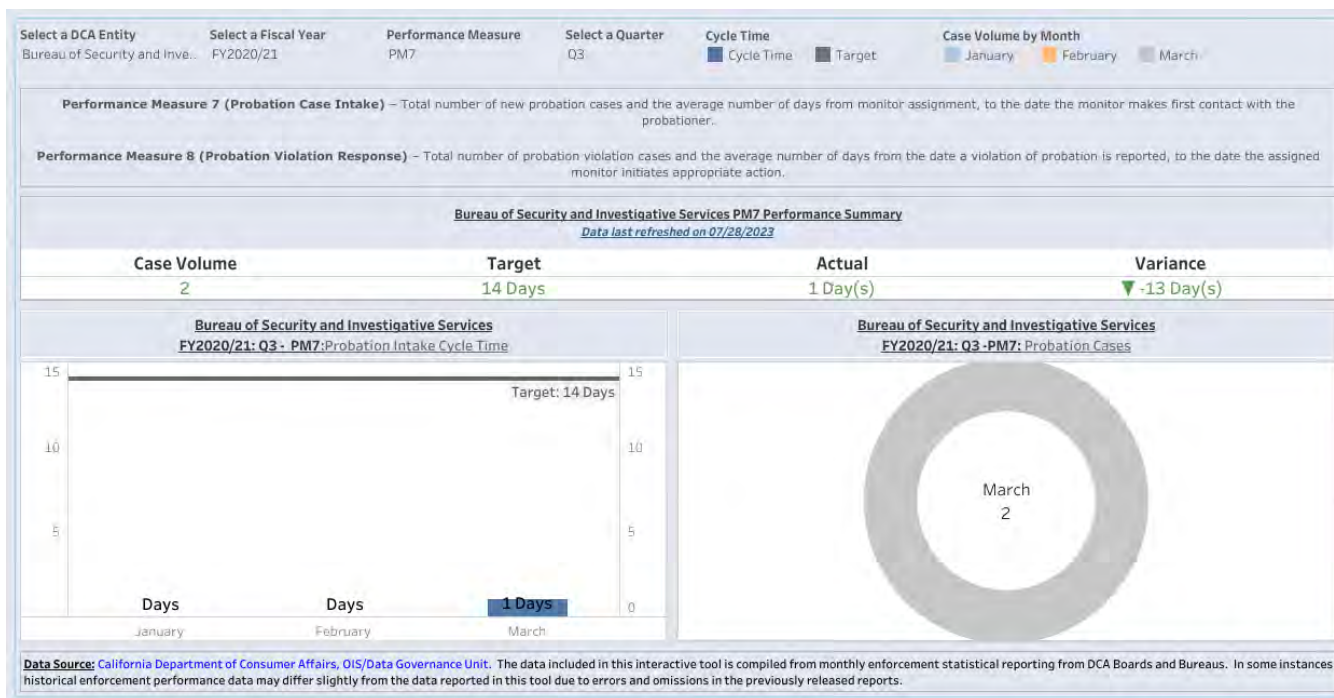


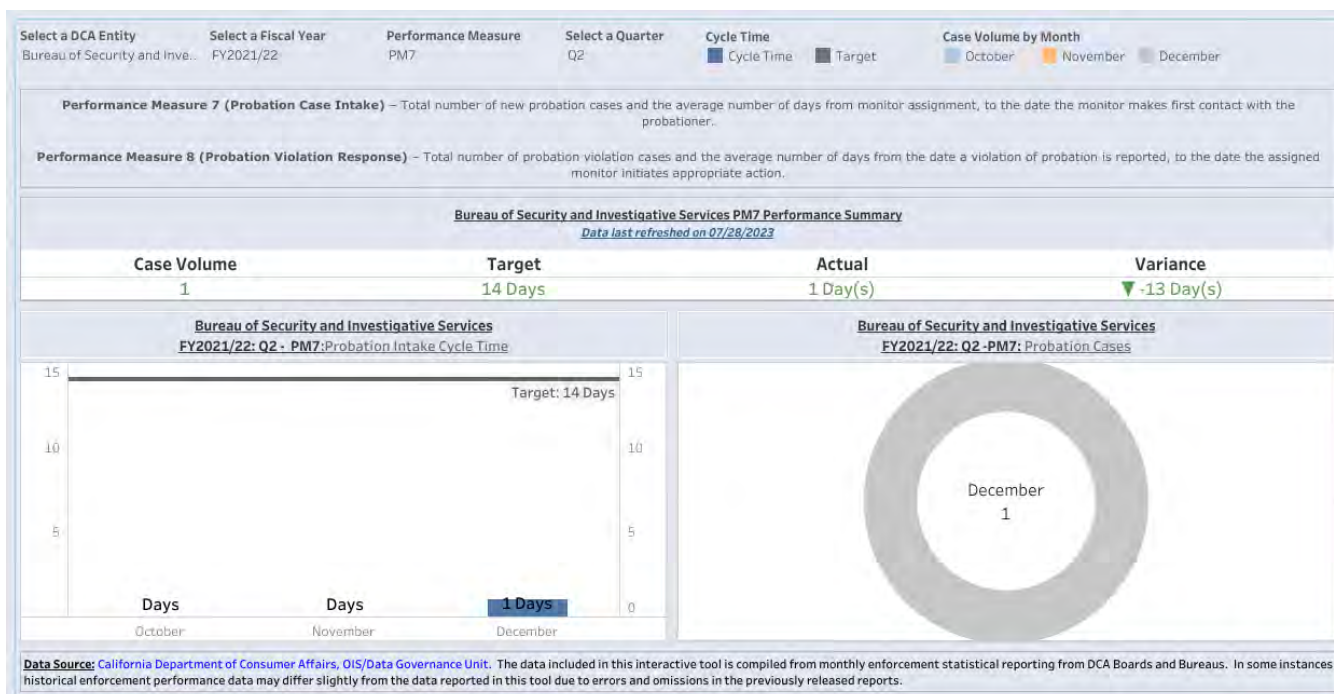
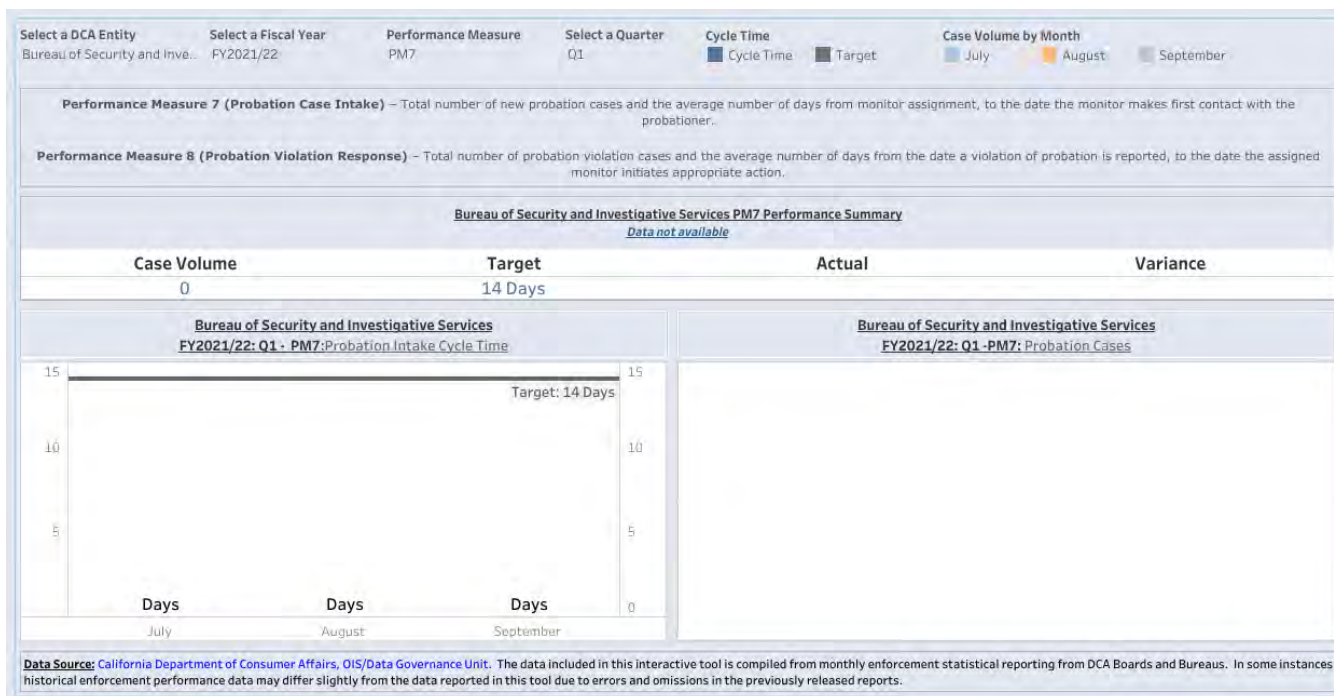


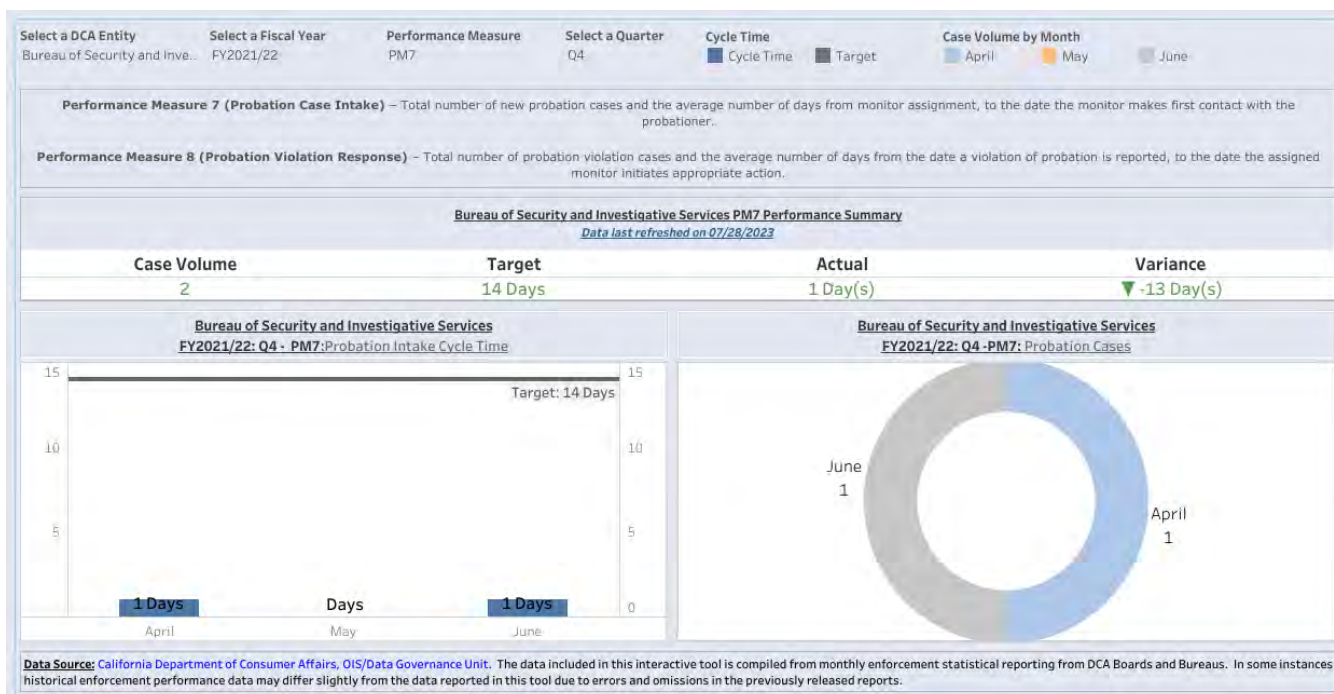
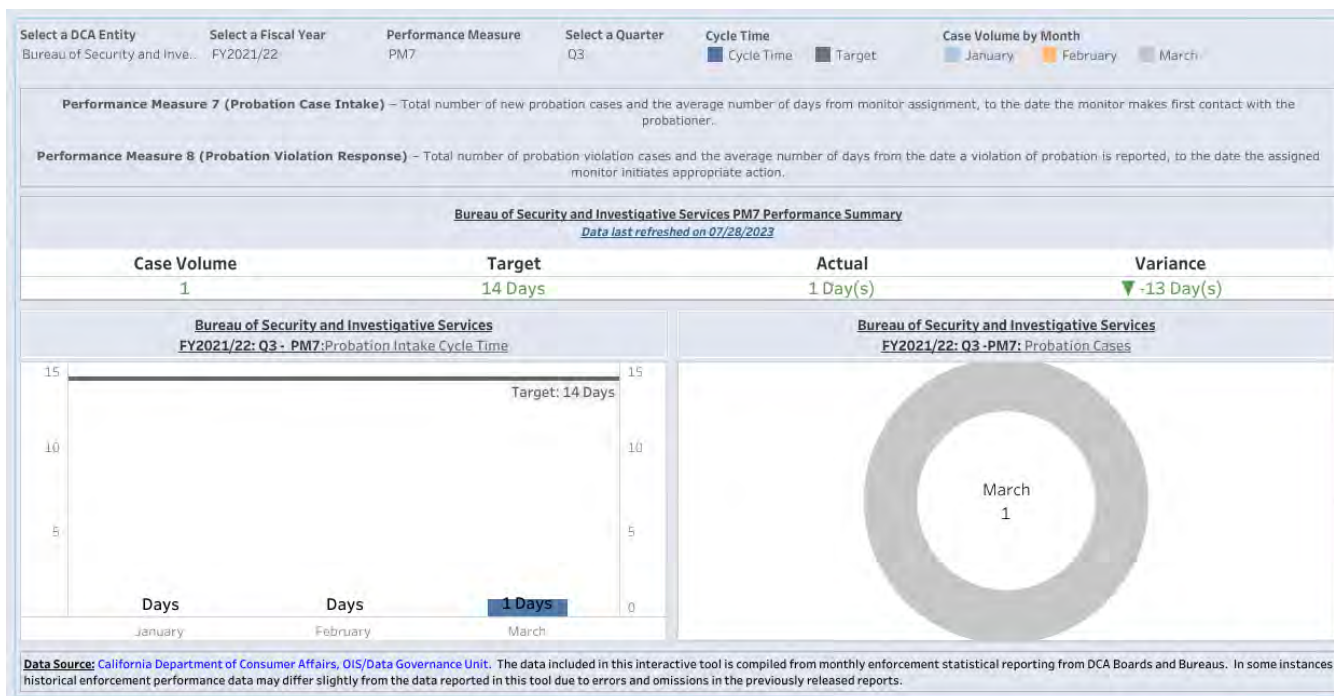


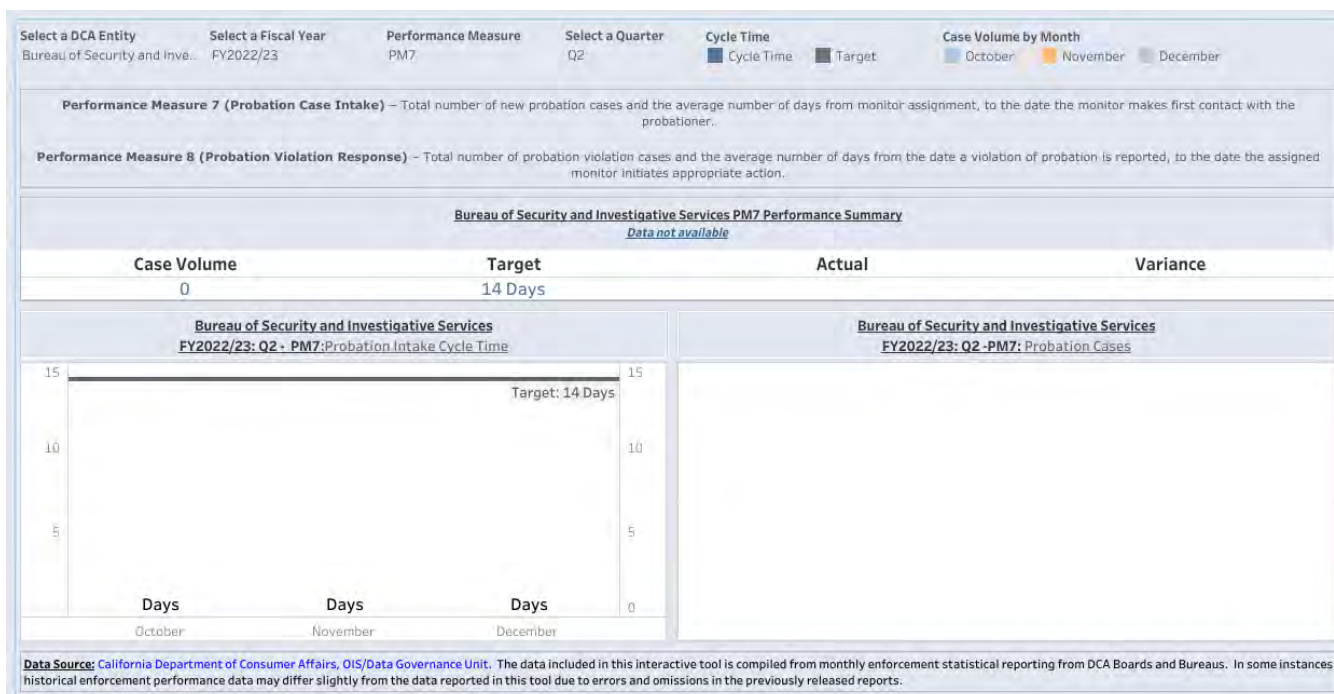
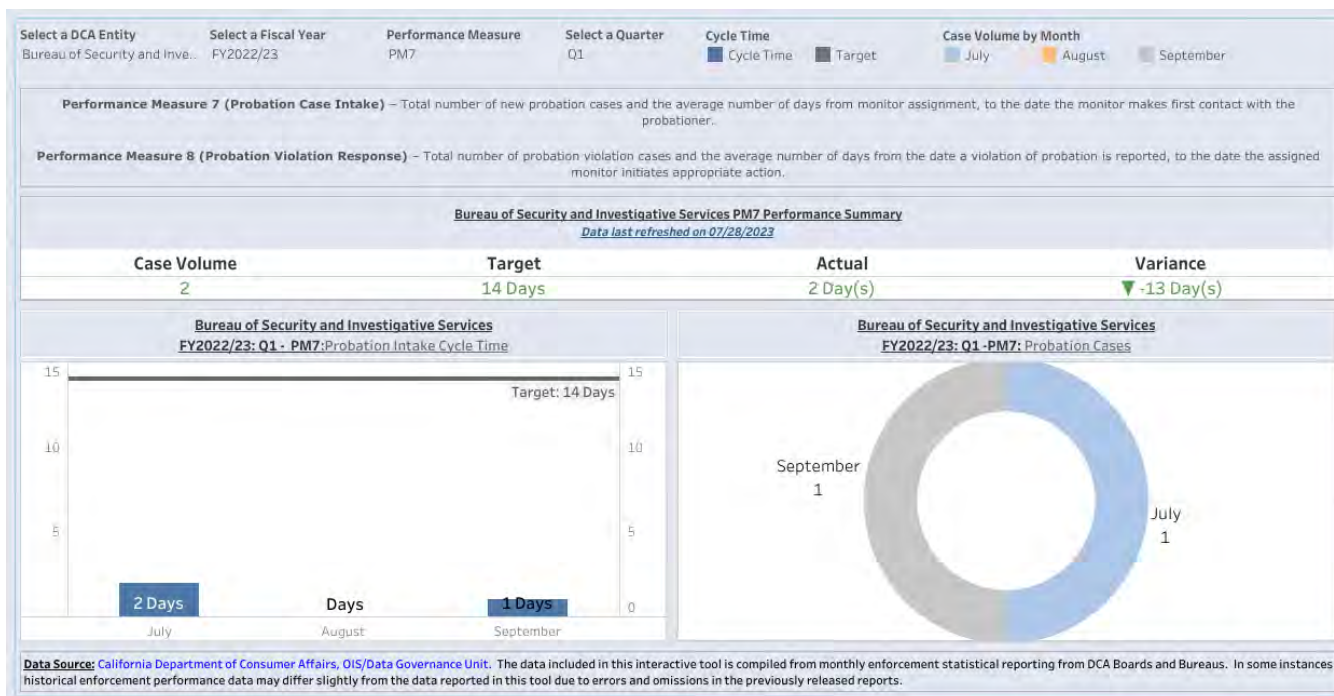


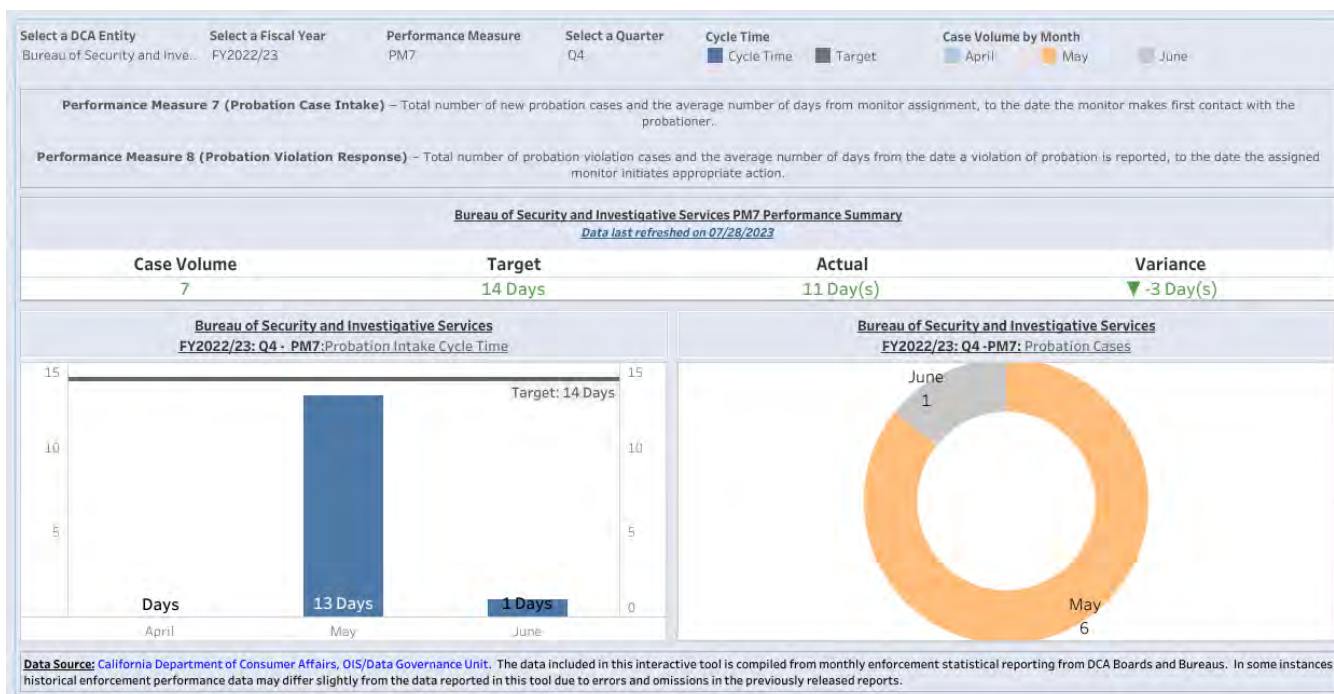
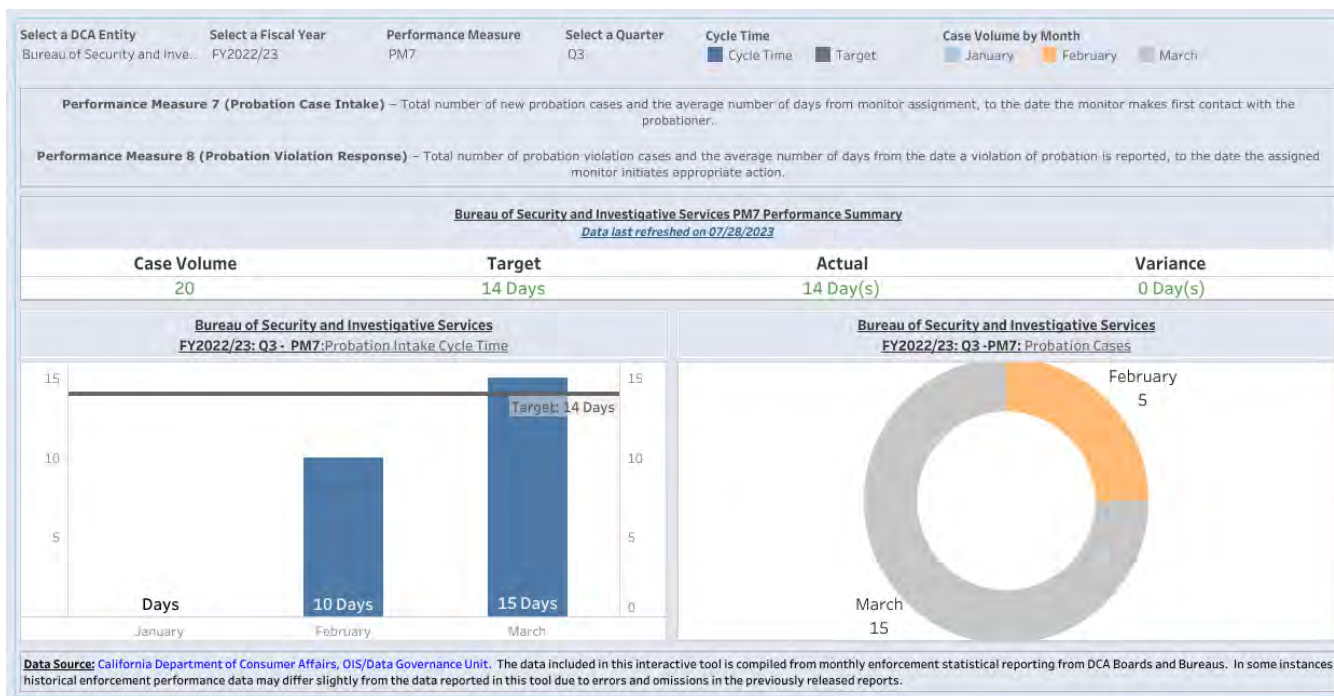


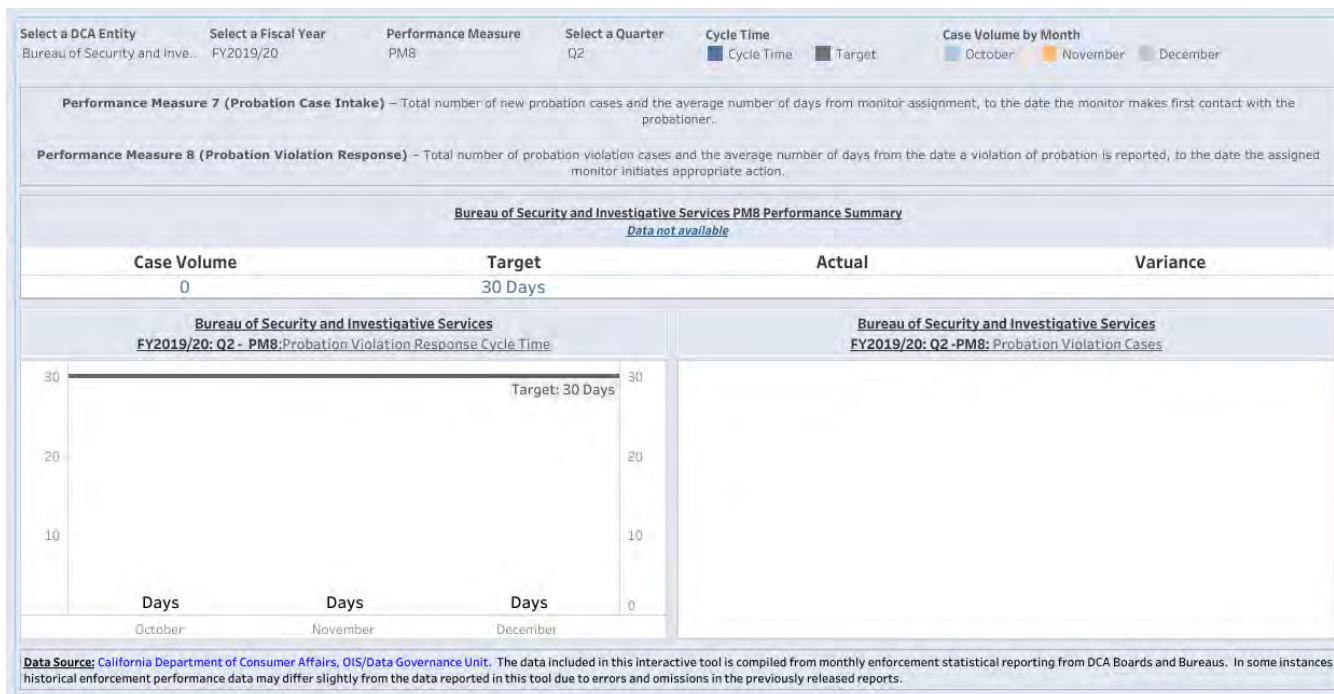
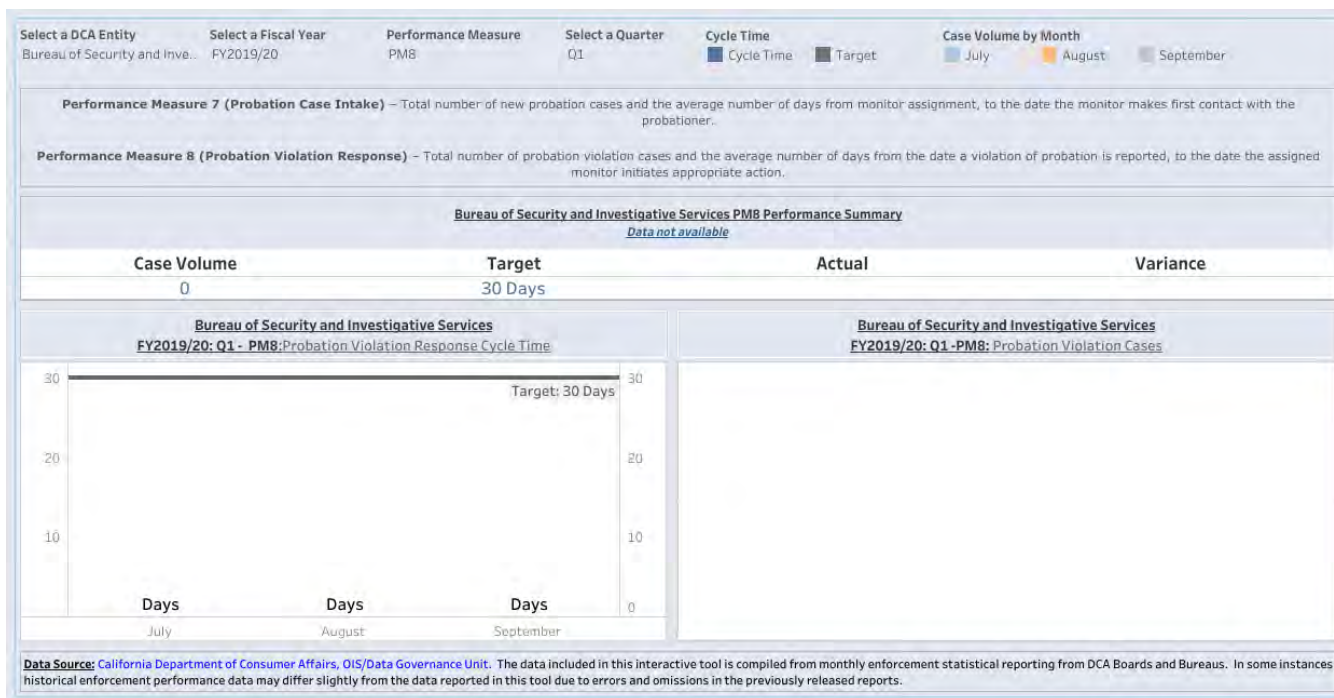


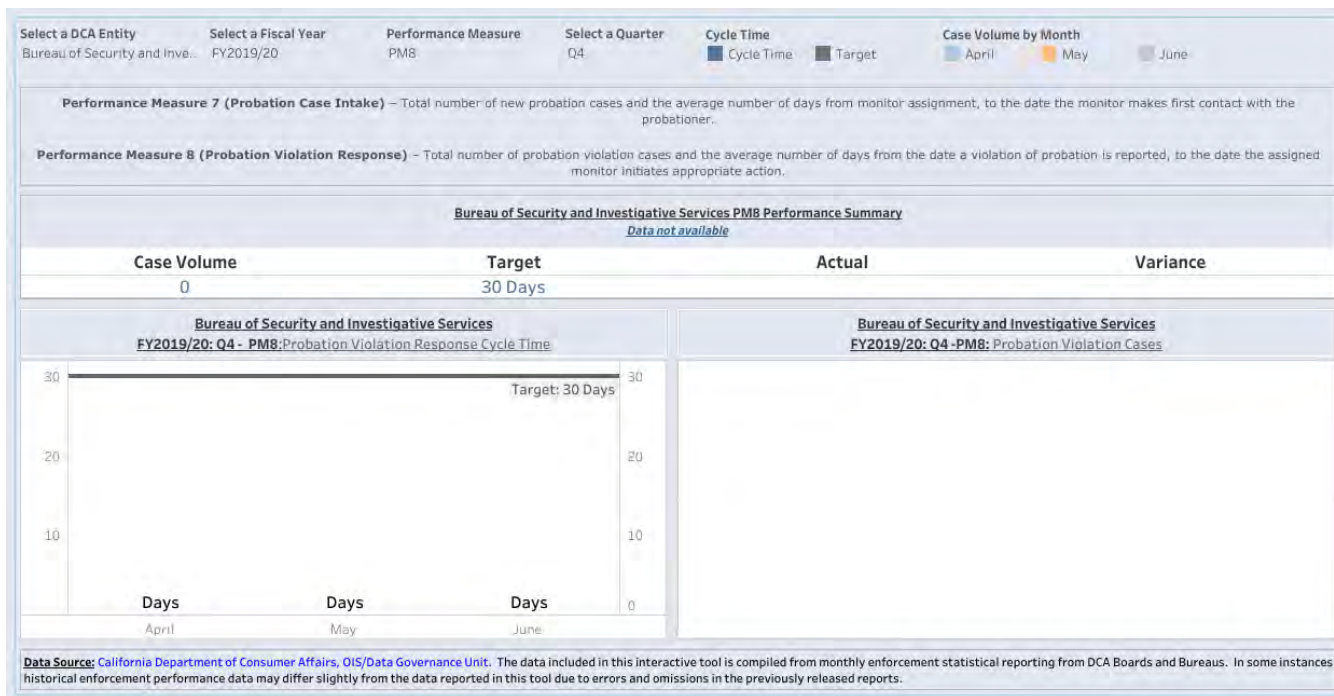
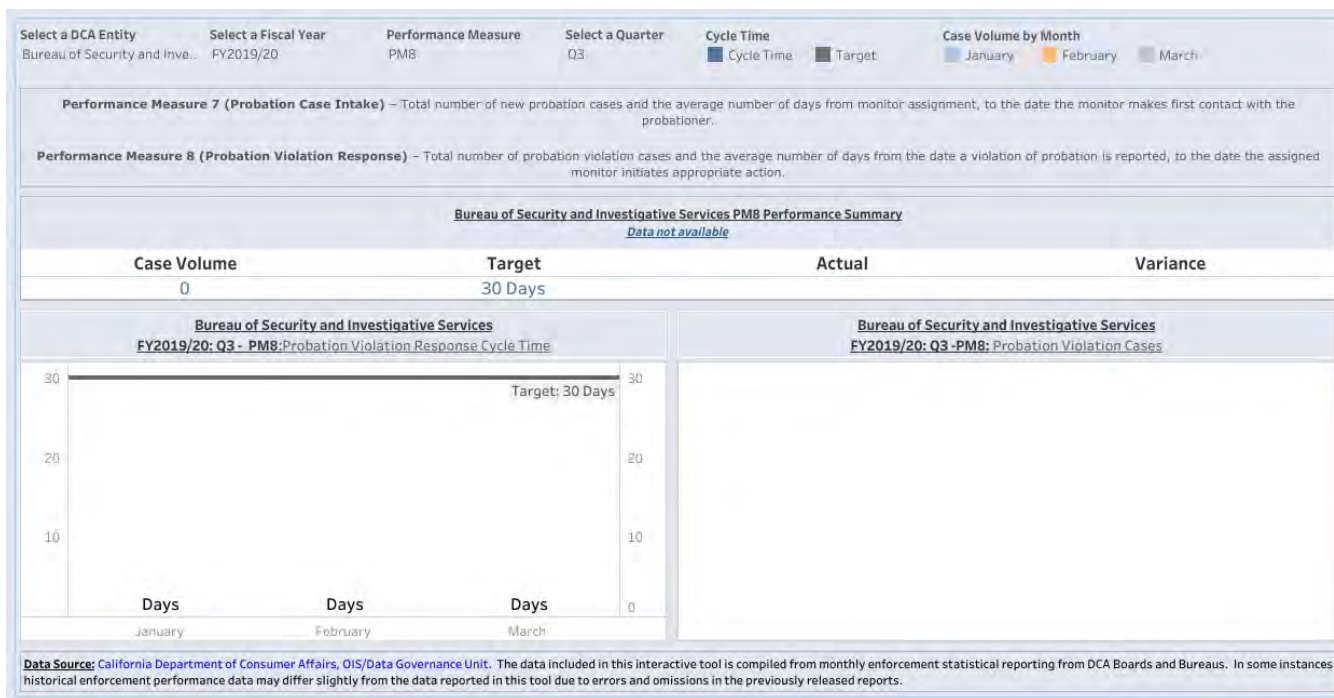


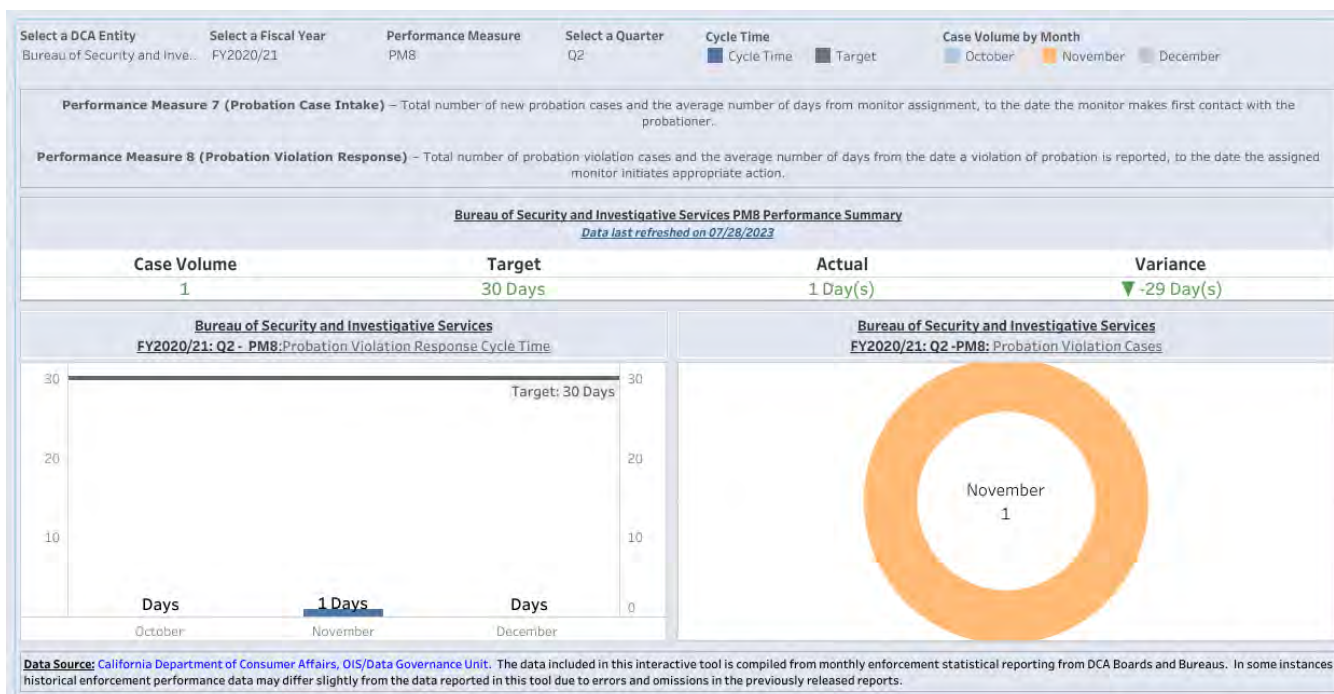
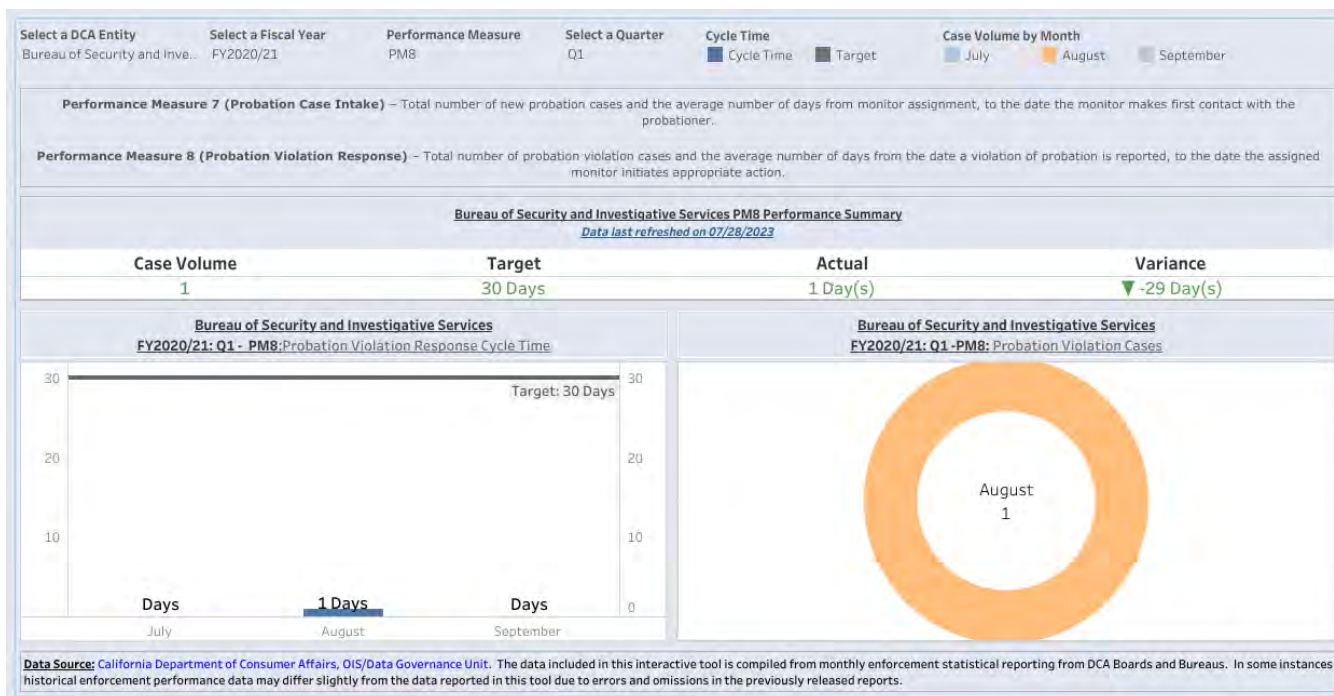


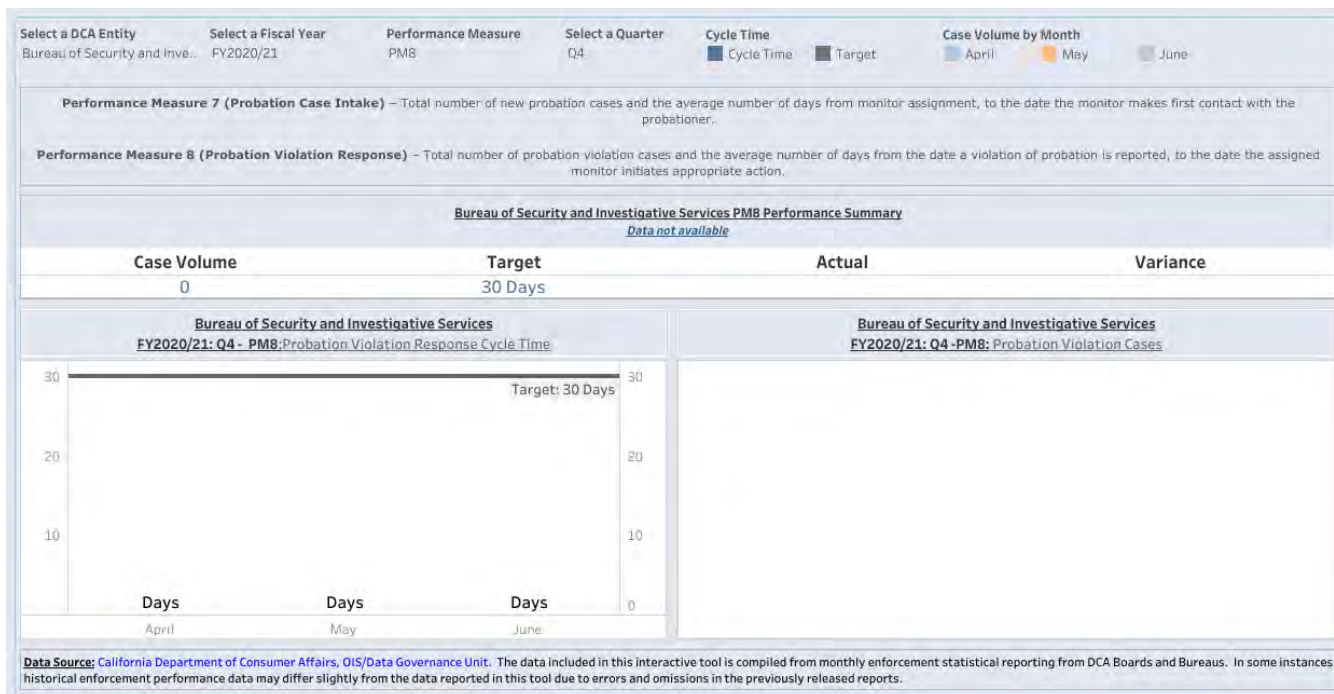
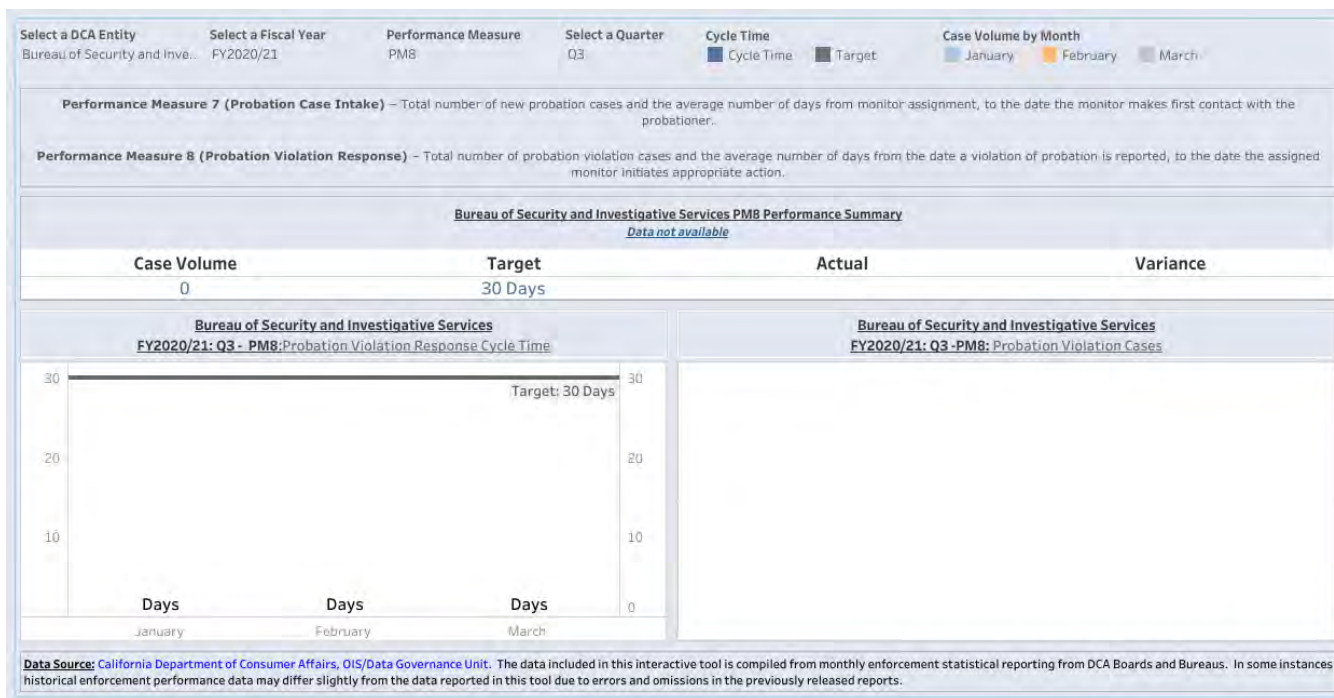


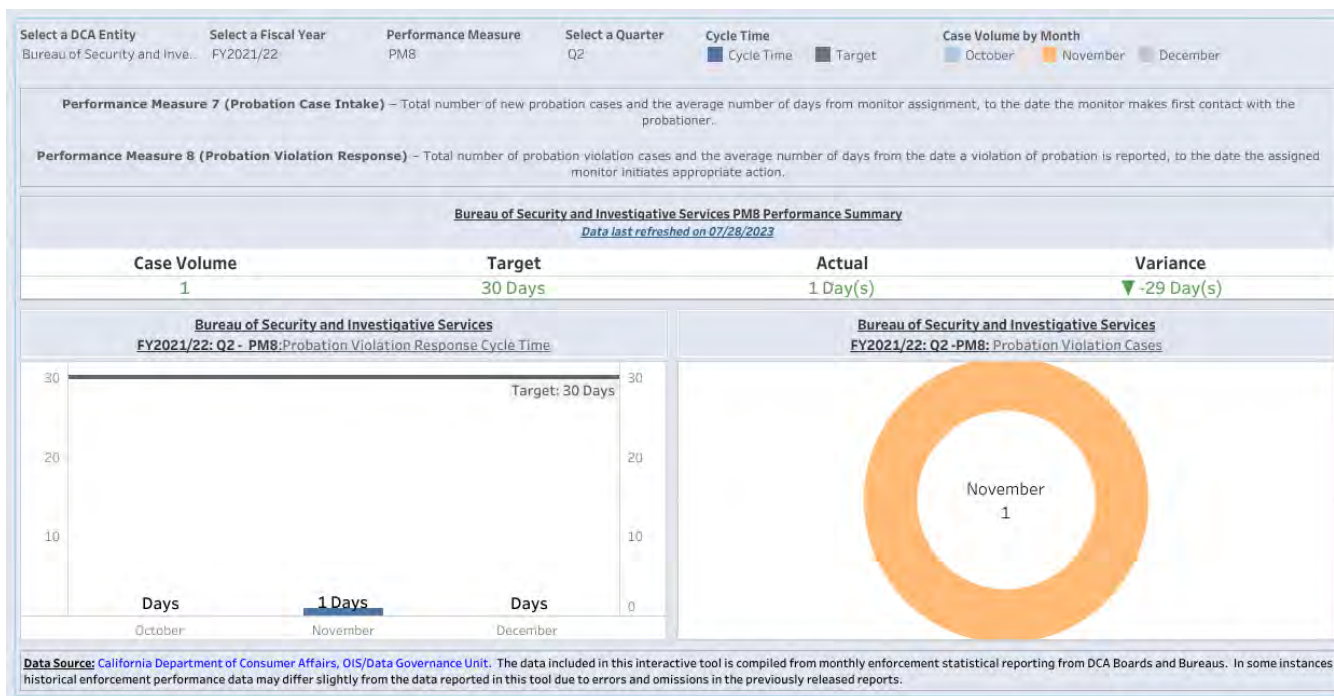
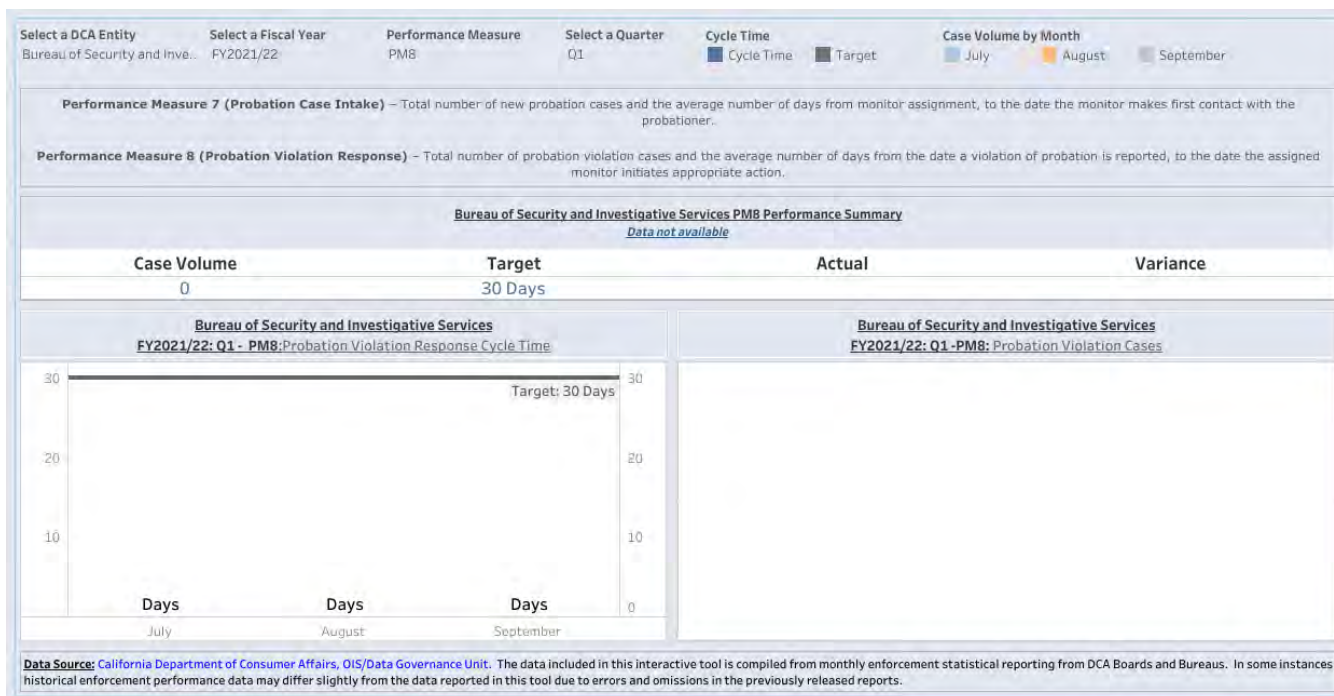


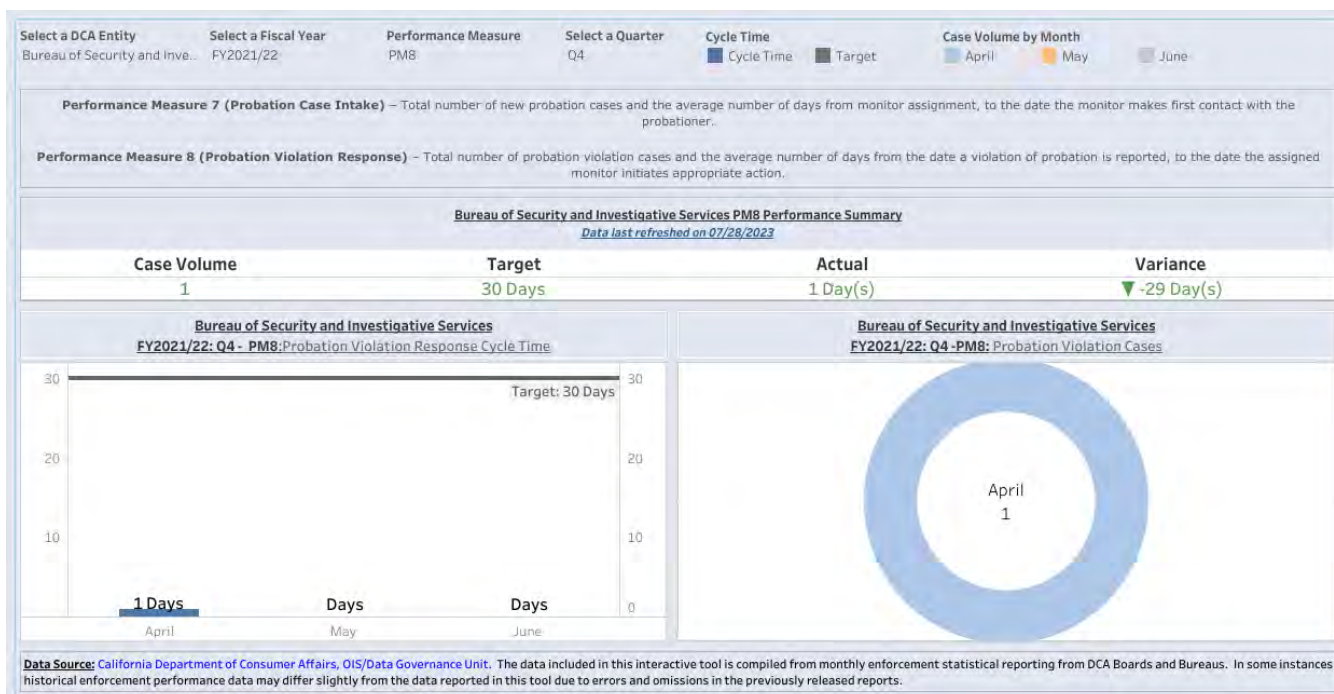
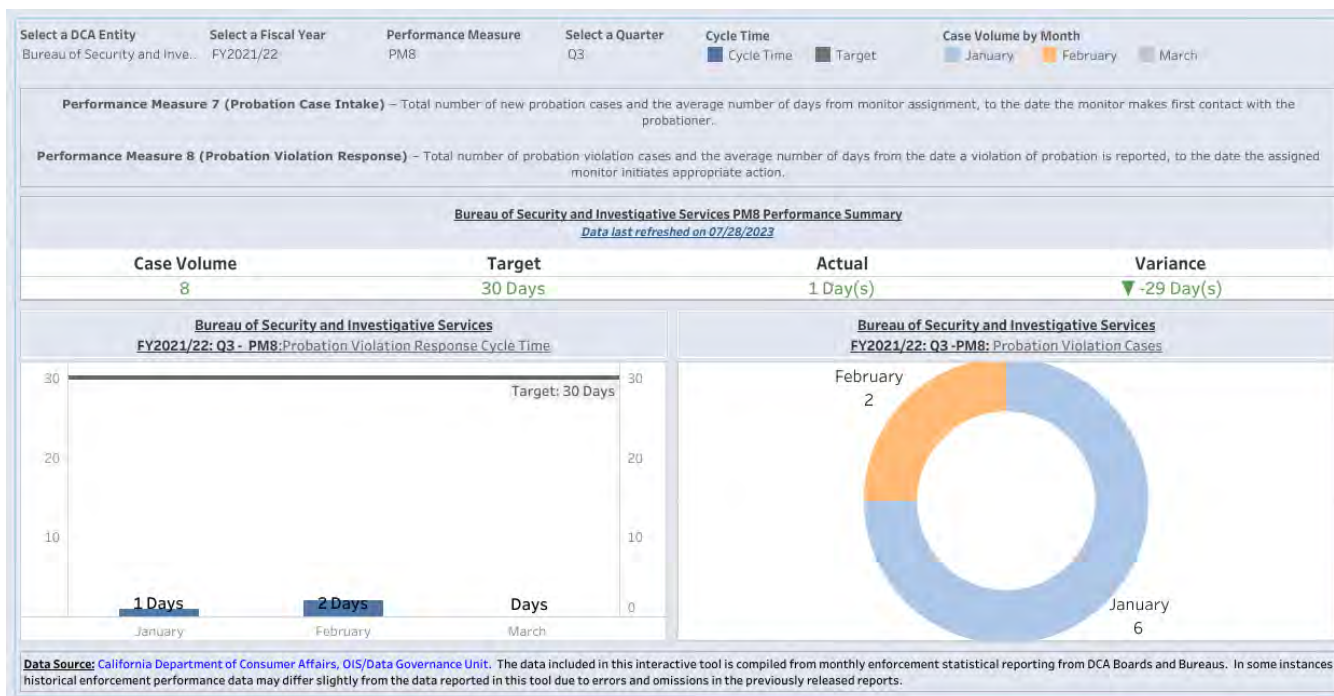




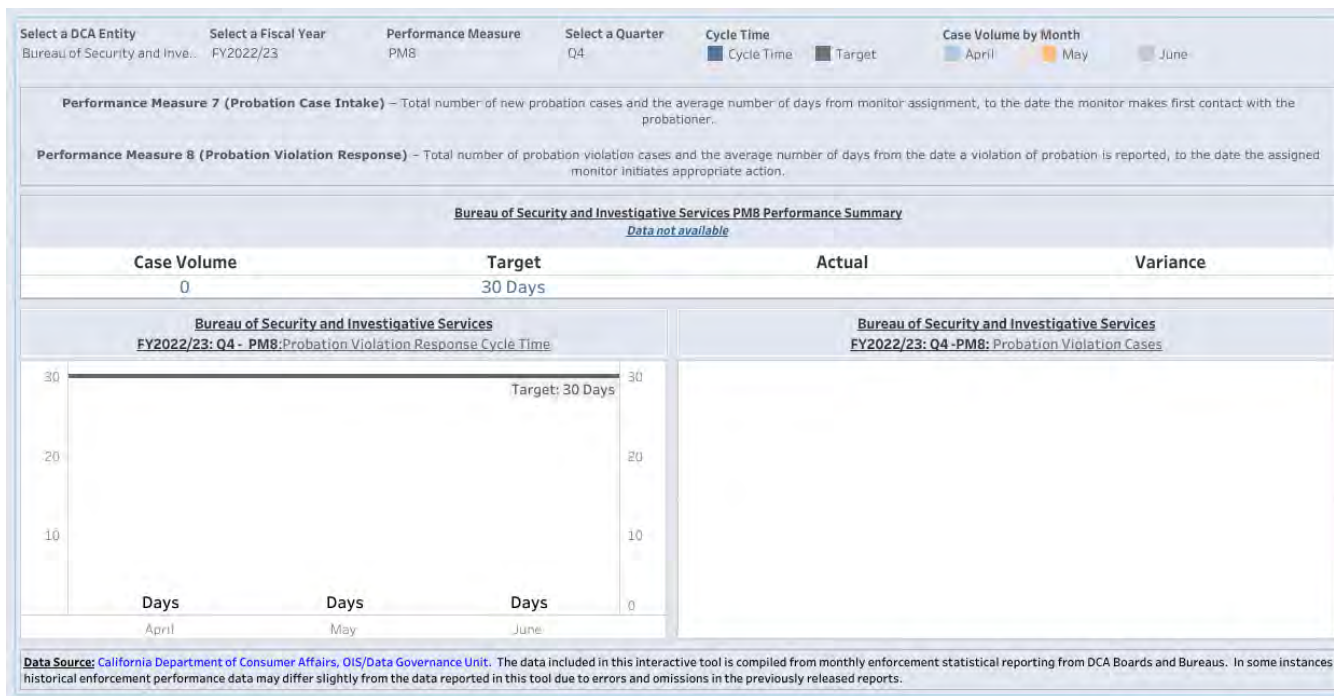
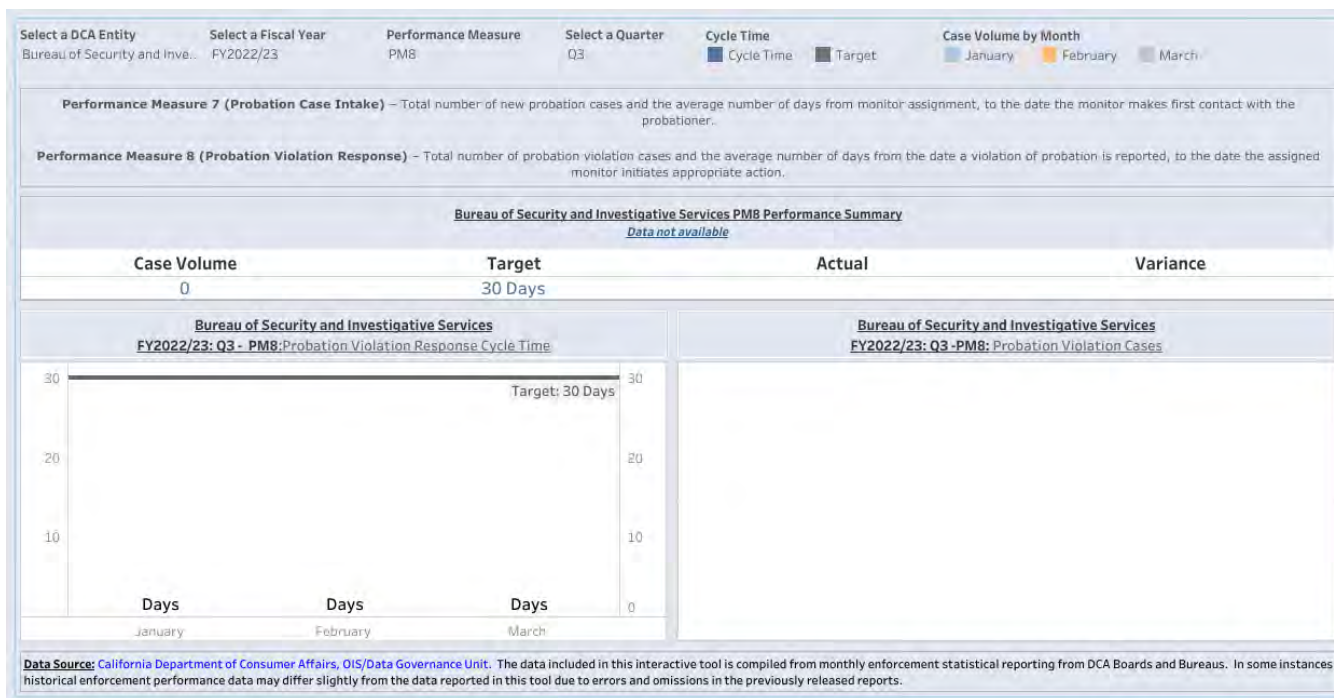












**License Performance Measures: All Complete Applications
FY 2019/2020**

DCA Entity	License Type	Application Type	Current Year Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target
Bureau of Security and Investigative Services	Alarm Agent	Initial Application	3,732	60 Day(s)	52 Day(s)	▼ -8
	Alarm Company Operator	Initial Application	40	35 Day(s)	32 Day(s)	▼ -3
		Initial License	10	90 Day(s)	78 Day(s)	▼ -12
		QM Exam Passage	31	NA	79 Day(s)	▲ 79
		Qualified Manager (QM) Application	21	35 Day(s)	25 Day(s)	▼ -10
	Baton Instructor	Initial Application	3	75 Day(s)	19 Day(s)	▼ -56
	Baton Training Facility	Initial Application	3	95 Day(s)	24 Day(s)	▼ -71
	Firearm Instructor	Initial Application	13	75 Day(s)	54 Day(s)	▼ -21
	Firearm Training Facility	Initial Application	4	95 Day(s)	79 Day(s)	▼ -16
	Locksmith Company	Initial Application/License4	67	95 Day(s)	50 Day(s)	▼ -45
	Locksmith Employee	Initial Application	317	60 Day(s)	45 Day(s)	▼ -15
	Private Investigator	Initial Application	169	35 Day(s)	28 Day(s)	▼ -7
		Initial License	21	90 Day(s)	61 Day(s)	▼ -29
		Qualified Manager Exam Passage	96	NA	44 Day(s)	▲ 44
	Private Patrol Operator	Initial Application	364	35 Day(s)	46 Day(s)	▲ 11
		Initial License	57	90 Day(s)	53 Day(s)	▼ -37
		Qualified Manager Exam Passage	253	NA	48 Day(s)	▲ 48
	Proprietary Private Security Employer	Initial Application/License	54	95 Day(s)	67 Day(s)	▼ -28
	Proprietary Private Security Officer	Initial Application	1,975	60 Day(s)	51 Day(s)	▼ -9
	Repossession Agency	QM Exam Passage	1	NA	28 Day(s)	▲ 28
	Repossession Agency Employee	Initial Application	94	60 Day(s)	61 Day(s)	▲ 1
	Security Guard	Initial Application	57,586	60 Day(s)	25 Day(s)	▼ -35

Performance versus Target
■ Above Target
■ Below Target

**License Performance Measures: All Complete Applications
FY 2020/21**

DCA Entity	License Type	Application Type	Current Year Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target
Bureau of Security and Investigative Services	Alarm Agent	Initial Application	4,032	60 Day(s)	35 Day(s)	▼ -25
	Alarm Company Operator	QM Exam Passage	10	NA	58 Day(s)	▲ 58
		Qualified Manager (QM) Application	3	35 Day(s)	1 Day(s)	▼ -34
	Firearm Permit	Initial Application	7,198	75 Day(s)	144 Day(s)	▲ 69
	Locksmith Company	Initial Application/License4	1	95 Day(s)	4 Day(s)	▼ -91
	Locksmith Employee	Initial Application	211	60 Day(s)	53 Day(s)	▼ -7
	Private Investigator	Initial Application	36	35 Day(s)	3 Day(s)	▼ -32
		Initial License	4	90 Day(s)	1 Day(s)	▼ -89
		Qualified Manager Exam Passage	188	NA	1 Day(s)	▲ 1
	Private Patrol Operator	Initial Application	88	35 Day(s)	9 Day(s)	▼ -26
		Initial License	7	90 Day(s)	1 Day(s)	▼ -89
		Qualified Manager Exam Passage	57	NA	1 Day(s)	▲ 1
	Proprietary Private Security Employer	Initial Application/License	1	95 Day(s)	1 Day(s)	▼ -94
	Proprietary Private Security Officer	Initial Application	1,178	60 Day(s)	47 Day(s)	▼ -13
	Repossession Agency	Initial Application/License	1	125 Day(s)	100 Day(s)	▼ -25
		Qualified Manager (QM) Application	1	35 Day(s)	1 Day(s)	▼ -34
	Repossession Agency Employee	Initial Application	64	60 Day(s)	39 Day(s)	▼ -21
	Security Guard	Initial Application	57,311	60 Day(s)	24 Day(s)	▼ -36

Performance versus Target

■ Above Target
■ Below Target

License Performance Measures: Complete Applications FY 2021/22

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target	Performance v Target
Bureau of Security and Investigative Services	Alarm Company Branch	ACB Initial Application	2	60 Day(s)	14 Day(s)	▼ -46	<div>Above Target</div> <div>Below Target</div> <div>No Target</div>
		ACE Initial Application	3,614	60 Day(s)	27 Day(s)	▼ -33	
	Alarm Company Operator	ACO Initial Application	3	30 Day(s)	21 Day(s)	▼ -9	
		ACO License Application	23	90 Day(s)	5 Day(s)	▼ -85	
	Alarm Company Qualified Manager	ACQ Exam Request	7	888 Day(s)	43 Day(s)	▼ -845	
		ACQ Initial Application	4	120 Day(s)	1 Day(s)	▼ -119	
	Baton Permit	BAT Initial Application	5,115	60 Day(s)	131 Day(s)	▲ 71	
	Firearm Permit	FQ Initial Application	7,007	75 Day(s)	106 Day(s)	▲ 31	
	Locksmith Company Branch	LCB Initial Application	2	60 Day(s)	40 Day(s)	▼ -20	
	Locksmith Company Operator	LCO Initial Application	1	90 Day(s)	42 Day(s)	▼ -48	
	Locksmith Employee	LOC Initial Application	222	60 Day(s)	43 Day(s)	▼ -17	
	Private Investigator	PI Initial Application	8	30 Day(s)	13 Day(s)	▼ -17	
		PI License Application	10	90 Day(s)	31 Day(s)	▼ -59	
	Private Investigator Branch	PIB Initial Application	7	60 Day(s)	20 Day(s)	▼ -40	
	Private Investigator Qualified Manager	PIQ Exam Request	162	888 Day(s)	1 Day(s)	▼ -887	
		PIQ Initial Application	4	Day(s)	16 Day(s)	▲ 16	
	Private Patrol Operator	PPO Initial Application	51	30 Day(s)	40 Day(s)	▲ 10	
		PPO License Application	9	90 Day(s)	78 Day(s)	▼ -12	
	Private Patrol Operator Branch	PPB Initial Application	53	60 Day(s)	18 Day(s)	▼ -42	

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target	Performance v Target
Bureau of Security and Investigative Services	Private Patrol Qualified Manager	PPQ Exam Request	121	888 Day(s)	8 Day(s)	▼ -880	
		PPQ Initial Application	38	Day(s)	132 Day(s)	▲ 132	
	Proprietary Private Security Officer	PSO Initial Application	2,323	60 Day(s)	32 Day(s)	▼ -28	
	Proprietary Private Security Officer Employer	PSE Initial Application	47	90 Day(s)	6 Day(s)	▼ -84	
	Repossessor Agency	RA Initial Application	0	120 Day(s)	NA	NA	
	Repossessor Agency Employee	RAE Initial Application	33	60 Day(s)	10 Day(s)	▼ -50	
	Repossessor Agency Qualified Manager	RAQ Exam Request	0	888 Day(s)	NA	NA	
		RAQ Initial Application	1	120 Day(s)	56 Day(s)	▼ -64	
	Security Guard	Guard Initial Application	64,458	60 Day(s)	19 Day(s)	▼ -41	
	Training Facility Baton	TFB Initial Application	0	90 Day(s)	NA	NA	
	Training Facility Baton Instructor	TIB Initial Application	3	75 Day(s)	5 Day(s)	▼ -70	
	Training Facility Firearm	TFF Initial Application	0	90 Day(s)	NA	NA	
	Training Facility Firearm Instructor	TIF Initial Application	6	75 Day(s)	5 Day(s)	▼ -70	

Performance v Target

▲ Above Target

▼ Below Target

NA No Target

License Performance Measures: Complete Applications FY 2022/23

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target	Performance v Target
Bureau of Security and Investigative Services	Alarm Company Branch	ACB Initial Application	1	60 Day(s)	10 Day(s)	▼ -50	<div>Above Target</div> <div>Below Target</div> <div>No Target</div>
	Alarm Company Employee	ACE Initial Application	3,178	60 Day(s)	20 Day(s)	▼ -40	
	Alarm Company Operator	ACO Initial Application	1	30 Day(s)	1 Day(s)	▼ -29	
		ACO License Application	12	90 Day(s)	3 Day(s)	▼ -87	
	Alarm Company Qualified Manager	ACQ Exam Request	33	888 Day(s)	47 Day(s)	▼ -841	
		ACQ Initial Application	5	120 Day(s)	56 Day(s)	▼ -64	
	Baton Permit	BAT Initial Application	5,314	60 Day(s)	301 Day(s)	▲ 241	
	Firearm Permit	FQ Initial Application	6,538	75 Day(s)	34 Day(s)	▼ -41	
	Locksmith Company Branch	LCB Initial Application	3	60 Day(s)	29 Day(s)	▼ -31	
	Locksmith Company Operator	LCO Initial Application	5	90 Day(s)	27 Day(s)	▼ -63	
	Locksmith Employee	LOC Initial Application	259	60 Day(s)	25 Day(s)	▼ -35	
	Private Investigator	PI Initial Application	3	30 Day(s)	43 Day(s)	▲ 13	
		PI License Application	185	90 Day(s)	25 Day(s)	▼ -65	
	Private Investigator Branch	PIB Initial Application	9	60 Day(s)	24 Day(s)	▼ -36	
	Private Investigator Qualified Manager	PIQ Exam Request	121	888 Day(s)	6 Day(s)	▼ -882	
		PIQ Initial Application	100	Day(s)	116 Day(s)	▲ 116	
	Private Patrol Operator	PPO Initial Application	27	30 Day(s)	34 Day(s)	▲ 4	
		PPO License Application	10	90 Day(s)	64 Day(s)	▼ -26	
	Private Patrol Operator Branch	PPB Initial Application	27	60 Day(s)	15 Day(s)	▼ -45	

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Target Processing Time	Actual Processing Time	Variance from Target	Performance v Target
Bureau of Security and Investigative Services	Private Patrol Qualified Manager	PPQ Exam Request	69	888 Day(s)	5 Day(s)	▼ -883	Below Target
		PPQ Initial Application	106	Day(s)	171 Day(s)	▲ 171	Above Target
	Proprietary Private Security Officer	PSO Initial Application	2,692	60 Day(s)	27 Day(s)	▼ -33	Below Target
	Proprietary Private Security Officer Employer	PSE Initial Application	30	90 Day(s)	3 Day(s)	▼ -87	Below Target
	Repossessor Agency	RA Initial Application	0	120 Day(s)	NA	NA	No Target
	Repossessor Agency Employee	RAE Initial Application	24	60 Day(s)	7 Day(s)	▼ -53	Below Target
	Repossessor Agency Qualified Manager	RAQ Exam Request	1	888 Day(s)	6 Day(s)	▼ -882	Below Target
		RAQ Initial Application	1	120 Day(s)	36 Day(s)	▼ -84	Below Target
	Security Guard	Guard Initial Application	68,756	60 Day(s)	13 Day(s)	▼ -47	Below Target
	Training Facility Baton	TFB Initial Application	0	90 Day(s)	NA	NA	No Target
	Training Facility Baton Instructor	TIB Initial Application	5	75 Day(s)	3 Day(s)	▼ -72	Below Target
	Training Facility Firearm	TFF Initial Application	0	90 Day(s)	NA	NA	No Target
	Training Facility Firearm Instructor	TIF Initial Application	6	75 Day(s)	5 Day(s)	▼ -70	Below Target

License Performance Measures: Incomplete License Applications FY 2019/20

Board/Bureau	License Type	Application Type	Current Year Incomplete Applications	Incomplete Apps Processing Time
Bureau of Security and Investigative Services	Alarm Agent	Initial Application	42	218 Day(s)
	Alarm Company Operator	Initial Application	81	44 Day(s)
		Initial License	71	92 Day(s)
		QM Exam Passage	40	93 Day(s)
		Qualified Manager (QM) Application	19	211 Day(s)
	Baton Instructor	Initial Application	14	173 Day(s)
	Baton Training Facility	Initial Application	12	206 Day(s)
	Firearm Instructor	Initial Application	34	119 Day(s)
	Firearm Permit	Initial Application	5,552	150 Day(s)
	Firearm Training Facility	Initial Application	13	187 Day(s)
	Locksmith Company	Initial Application/License4	112	116 Day(s)
	Private Investigator	Initial Application	252	119 Day(s)
		Initial License	232	95 Day(s)
		Qualified Manager Exam Passage	227	53 Day(s)
	Private Patrol Operator	Initial Application	115	94 Day(s)
		Initial License	205	101 Day(s)
		Qualified Manager Exam Passage	40	69 Day(s)
	Proprietary Private Security Employer	Initial Application/License	39	94 Day(s)
	Proprietary Private Security Officer	Initial Application	25	146 Day(s)
	Repossession Agency	Initial Application/License	6	140 Day(s)
		Qualified Manager (QM) Application	2	154 Day(s)
	Repossession Agency Employee	Initial Application	62	125 Day(s)
	Security Guard	Initial Application	1,019	120 Day(s)

Incomplete Applications Cycle Time Performance

■ Above 180 Days

■ Below 180 Days

**License Performance Measures: Incomplete Applications
FY 2020/21**

Board/Bureau	License Type	Application Type	Current Year Incomplete Applications	Incomplete Apps Processing Time
Bureau of Security and Investigative Services	Alarm Agent	Initial Application	32	197 Day(s)
	Alarm Company Operator	Initial Application	95	69 Day(s)
		Initial License	47	167 Day(s)
		QM Exam Passage	46	146 Day(s)
		Qualified Manager (QM) Application	42	201 Day(s)
	Baton Instructor	Initial Application	19	117 Day(s)
	Baton Training Facility	Initial Application	14	142 Day(s)
	Firearm Instructor	Initial Application	43	129 Day(s)
	Firearm Permit	Initial Application	468	213 Day(s)
	Firearm Training Facility	Initial Application	28	165 Day(s)
	Locksmith Company	Initial Application/License4	168	109 Day(s)
	Locksmith Employee	Initial Application	13	158 Day(s)
	Private Investigator	Initial Application	275	85 Day(s)
		Initial License	208	87 Day(s)
		Qualified Manager Exam Passage	35	107 Day(s)
	Private Patrol Operator	Initial Application	389	111 Day(s)
		Initial License	287	121 Day(s)
		Qualified Manager Exam Passage	252	74 Day(s)
	Proprietary Private Security Employer	Initial Application/License	47	55 Day(s)
	Proprietary Private Security Officer	Initial Application	5	212 Day(s)
	Repossession Agency	Initial Application/License	35	71 Day(s)
		QM Exam Passage	10	91 Day(s)
		Qualified Manager (QM) Application	6	146 Day(s)
	Repossession Agency Employee	Initial Application	34	121 Day(s)
	Security Guard	Initial Application	507	133 Day(s)

Incomplete Applications Cycle Time Performance

■ Above 180 Days
■ Below 180 Days

**License Performance Measures: Incomplete License Applications
FY 2021/22**

DCA Entity	License Type	Application Type/Transaction Type	Incomplete Applications	Processing Time	Measure Names
Bureau of Security and Investigative Services	Alarm Company Branch	ACB Initial Application	11	107 Day(s)	Incomplete Applications
	Alarm Company Employee	ACE Initial Application	30	77 Day(s)	Processing Time
	Alarm Company Operator	ACO Initial Application	37	109 Day(s)	
		ACO License Application	23	163 Day(s)	
	Alarm Company Qualified Manager	ACQ Exam Request	53	119 Day(s)	
		ACQ Initial Application	30	203 Day(s)	
	Baton Permit	BAT Initial Application	39	184 Day(s)	
	Firearm Permit	FQ Initial Application	584	107 Day(s)	
	Locksmith Company Branch	LCB Initial Application	3	91 Day(s)	
	Locksmith Company Operator	LCO Initial Application	183	125 Day(s)	
	Locksmith Employee	LOC Initial Application	4	56 Day(s)	
	Private Investigator	PI Initial Application	102	105 Day(s)	
		PI License Application	129	91 Day(s)	
	Private Investigator Branch	PIB Initial Application	8	75 Day(s)	
	Private Investigator Qualified Manager	PIQ Exam Request	28	49 Day(s)	
		PIQ Initial Application	126	176 Day(s)	
	Private Patrol Operator	PPO Initial Application	430	97 Day(s)	
		PPO License Application	292	84 Day(s)	
	Private Patrol Operator Branch	PPB Initial Application	25	54 Day(s)	
	Private Patrol Qualified Manager	PPQ Exam Request	247	45 Day(s)	
		PPQ Initial Application	179	142 Day(s)	
	Proprietary Private Security Officer	PSO Initial Application	16	107 Day(s)	
	Proprietary Private Security Officer Employer	PSE Initial Application	65	41 Day(s)	
	Repossessor Agency	RA Initial Application	13	91 Day(s)	

DCA Entity	License Type	Application Type/Transaction Type	Incomplete Applications	Processing Time	Measure Names
Bureau of Security and Investigative Services	Repossessor Agency Employee	RAE Initial Application	64	53 Day(s)	Incomplete Applications
	Repossessor Agency Qualified Manager	RAQ Exam Request	9	65 Day(s)	Processing Time
		RAQ Initial Application	3	178 Day(s)	
	Security Guard	Guard Initial Application	984	86 Day(s)	
	Training Facility Baton	TFB Initial Application	15	118 Day(s)	
	Training Facility Baton Instructor	TIB Initial Application	11	73 Day(s)	
	Training Facility Firearm	TFF Initial Application	25	109 Day(s)	
	Training Facility Firearm Instructor	TIF Initial Application	47	71 Day(s)	

**License Performance Measures: Incomplete License Applications
FY 2022/23**

DCA Entity	License Type	Application Type/Transaction Type	Incomplete Applications	Processing Time	Measure Names
Bureau of Security and Investigative Services	Alarm Company Branch	ACB Initial Application	11	77 Day(s)	Incomplete Applications
	Alarm Company Employee	ACE Initial Application	69	97 Day(s)	Processing Time
	Alarm Company Operator	ACO Initial Application	134	71 Day(s)	
		ACO License Application	34	77 Day(s)	
	Alarm Company Qualified Manager	ACQ Exam Request	22	143 Day(s)	
		ACQ Initial Application	42	66 Day(s)	
	Baton Permit	BAT Initial Application	0	NA	
	Firearm Permit	FQ Initial Application	982	63 Day(s)	
	Locksmith Company Branch	LCB Initial Application	3	87 Day(s)	
	Locksmith Company Operator	LCO Initial Application	222	121 Day(s)	
	Locksmith Employee	LOC Initial Application	9	50 Day(s)	
	Private Investigator	PI Initial Application	204	98 Day(s)	
		PI License Application	11	11 Day(s)	
	Private Investigator Branch	PIB Initial Application	1	248 Day(s)	
	Private Investigator Qualified Manager	PIQ Exam Request	1	141 Day(s)	
		PIQ Initial Application	22	283 Day(s)	
	Private Patrol Operator	PPO Initial Application	559	75 Day(s)	
		PPO License Application	323	69 Day(s)	
	Private Patrol Operator Branch	PPB Initial Application	45	28 Day(s)	
	Private Patrol Qualified Manager	PPQ Exam Request	94	85 Day(s)	
		PPQ Initial Application	88	185 Day(s)	
	Proprietary Private Security Officer	PSO Initial Application	45	82 Day(s)	
	Proprietary Private Security Officer Employer	PSE Initial Application	59	38 Day(s)	
	Repossessor Agency	RA Initial Application	12	113 Day(s)	

DCA Entity	License Type	Application Type/Transaction Type	Incomplete Applications	Processing Time	Measure Names
Bureau of Security and Investigative Services	Repossessor Agency Employee	RAE Initial Application	112	18 Day(s)	Incomplete Applications
	Repossessor Agency Qualified Manager	RAQ Exam Request	6	27 Day(s)	Processing Time
		RAQ Initial Application	5	131 Day(s)	
	Security Guard	Guard Initial Application	1,860	57 Day(s)	
	Training Facility Baton	TFB Initial Application	9	118 Day(s)	
	Training Facility Baton Instructor	TIB Initial Application	16	88 Day(s)	
	Training Facility Firearm	TFF Initial Application	16	111 Day(s)	
	Training Facility Firearm Instructor	TIF Initial Application	43	41 Day(s)	

**License Performance Measures: All License Applications
FY 2019/20**

Board/Bureau	License Type	Application Type	Total Application Volume	Target Processing Time Complet..	Processing Time Complete Applications	Processing Time Incomplete A..
Bureau of Security and Investigative Services	Alarm Agent	Initial Application	3,774	60 Day(s)	52 Day(s)	218 Day(s)
	Alarm Company Operator	Initial Application	121	35 Day(s)	32 Day(s)	44 Day(s)
		Initial License	81	90 Day(s)	78 Day(s)	92 Day(s)
		QM Exam Passage	71	NA	79 Day(s)	93 Day(s)
		Qualified Manager (QM) Application	40	35 Day(s)	25 Day(s)	211 Day(s)
	Baton Instructor	Initial Application	17	75 Day(s)	19 Day(s)	173 Day(s)
	Baton Training Facility	Initial Application	15	95 Day(s)	24 Day(s)	206 Day(s)
	Firearm Instructor	Initial Application	47	75 Day(s)	54 Day(s)	119 Day(s)
	Firearm Permit	Initial Application	5,552	75 Day(s)	NA	150 Day(s)
	Firearm Training Facility	Initial Application	17	95 Day(s)	79 Day(s)	187 Day(s)
	Locksmith Company	Initial Application/License4	179	95 Day(s)	50 Day(s)	116 Day(s)
	Locksmith Employee	Initial Application	317	60 Day(s)	45 Day(s)	NA
	Private Investigator	Initial Application	421	35 Day(s)	28 Day(s)	119 Day(s)
		Initial License	253	90 Day(s)	61 Day(s)	95 Day(s)
		Qualified Manager Exam Passage	323	NA	44 Day(s)	53 Day(s)
	Private Patrol Operator	Initial Application	479	35 Day(s)	46 Day(s)	94 Day(s)
		Initial License	262	90 Day(s)	53 Day(s)	101 Day(s)
		Qualified Manager Exam Passage	293	NA	48 Day(s)	69 Day(s)
	Proprietary Private Security Employer	Initial Application/License	93	95 Day(s)	67 Day(s)	94 Day(s)
	Proprietary Private Security Officer	Initial Application	2,000	60 Day(s)	51 Day(s)	146 Day(s)
	Repossession Agency	Initial Application/License	6	125 Day(s)	NA	140 Day(s)
		QM Exam Passage	1	NA	28 Day(s)	NA
		Qualified Manager (QM) Application	2	35 Day(s)	NA	154 Day(s)
	Repossession Agency Employee	Initial Application	156	60 Day(s)	61 Day(s)	125 Day(s)
	Security Guard	Initial Application	58,605	60 Day(s)	25 Day(s)	120 Day(s)

Measure Names	
■	Total Application Volume
■	Target Processing Time Complete Applications
■	Processing Time Complete Applications
■	Processing Time Incomplete Applications

**License Performance Measures: All License Applications FY
2020/21**

Board/Bureau	License Type	Application Type	Total Application Volume	Target Processing Time Complet..	Processing Time Complete Applications	Processing Time Incomplete A..
Bureau of Security and Investigative Services	Alarm Agent	Initial Application	4,064	60 Day(s)	35 Day(s)	197 Day(s)
	Alarm Company Operator	Initial Application	95	35 Day(s)	NA	69 Day(s)
		Initial License	47	90 Day(s)	NA	167 Day(s)
		QM Exam Passage	56	NA	58 Day(s)	146 Day(s)
		Qualified Manager (QM) Application	45	35 Day(s)	1 Day(s)	201 Day(s)
	Baton Instructor	Initial Application	19	75 Day(s)	NA	117 Day(s)
	Baton Training Facility	Initial Application	14	95 Day(s)	NA	142 Day(s)
	Firearm Instructor	Initial Application	43	75 Day(s)	NA	129 Day(s)
	Firearm Permit	Initial Application	7,666	75 Day(s)	144 Day(s)	213 Day(s)
	Firearm Training Facility	Initial Application	28	95 Day(s)	NA	165 Day(s)
	Locksmith Company	Initial Application/License4	169	95 Day(s)	4 Day(s)	109 Day(s)
	Locksmith Employee	Initial Application	224	60 Day(s)	53 Day(s)	158 Day(s)
	Private Investigator	Initial Application	311	35 Day(s)	3 Day(s)	85 Day(s)
		Initial License	212	90 Day(s)	1 Day(s)	87 Day(s)
		Qualified Manager Exam Passage	223	NA	1 Day(s)	107 Day(s)
	Private Patrol Operator	Initial Application	477	35 Day(s)	9 Day(s)	111 Day(s)
		Initial License	294	90 Day(s)	1 Day(s)	121 Day(s)
		Qualified Manager Exam Passage	309	NA	1 Day(s)	74 Day(s)
	Proprietary Private Security Employer	Initial Application/License	48	95 Day(s)	1 Day(s)	55 Day(s)
	Proprietary Private Security Officer	Initial Application	1,183	60 Day(s)	47 Day(s)	212 Day(s)
	Repossession Agency	Initial Application/License	36	125 Day(s)	100 Day(s)	71 Day(s)
		QM Exam Passage	10	NA	NA	91 Day(s)
		Qualified Manager (QM) Application	7	35 Day(s)	1 Day(s)	146 Day(s)
	Repossession Agency Employee	Initial Application	98	60 Day(s)	39 Day(s)	121 Day(s)
	Security Guard	Initial Application	57,818	60 Day(s)	24 Day(s)	133 Day(s)

Measure Names			
■	Total Application Volume		
■	Target Processing Time Complete Applications		
■	Processing Time Complete Applications		
■	Processing Time Incomplete Applications		

**License Performance Measures: All License Applications
FY2021/22**

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Complete Apps Processing ..	Deficient Applications	Deficient Apps Processing ..	Total Applications Processed	Legend:
Bureau of Security and Investigative Services	Alarm Company Branch	ACB Initial Application	2	14 Day(s)	11	107 Day(s)	13	Complete Applications
	Alarm Company Employee	ACE Initial Application	3,614	27 Day(s)	30	77 Day(s)	3,644	Complete Apps Processing Time
	Alarm Company Operator	ACO Initial Application	3	21 Day(s)	37	109 Day(s)	40	Deficient Applications
		ACO License Application	23	5 Day(s)	23	163 Day(s)	46	Deficient Apps Processing Time
	Alarm Company Qualified Manager	ACQ Exam Request	7	43 Day(s)	53	119 Day(s)	60	Total Applications Processed
		ACQ Initial Application	4	1 Day(s)	30	203 Day(s)	34	
	Baton Permit	BAT Initial Application	5,115	131 Day(s)	39	184 Day(s)	5,154	
	Firearm Permit	FQ Initial Application	7,007	106 Day(s)	584	107 Day(s)	7,591	
	Locksmith Company Branch	LCB Initial Application	2	40 Day(s)	3	91 Day(s)	5	
	Locksmith Company Operator	LCO Initial Application	1	42 Day(s)	183	125 Day(s)	184	
	Locksmith Employee	LOC Initial Application	222	43 Day(s)	4	56 Day(s)	226	
	Private Investigator	PI Initial Application	8	13 Day(s)	102	105 Day(s)	110	
		PI License Application	10	31 Day(s)	129	91 Day(s)	139	
	Private Investigator Branch	PIB Initial Application	7	20 Day(s)	8	75 Day(s)	15	
	Private Investigator Qualified Manager	PIQ Exam Request	162	1 Day(s)	28	49 Day(s)	190	
		PIQ Initial Application	4	16 Day(s)	126	176 Day(s)	130	

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Complete Apps Processing ..	Deficient Applications	Deficient Apps Processing ..	Total Applications Processed	Legend:
Bureau of Security and Investigative Services	Private Patrol Operator	PPO Initial Application	51	40 Day(s)	430	97 Day(s)	481	Complete Applications
		PPO License Application	9	78 Day(s)	292	84 Day(s)	301	Complete Apps Processing Time
	Private Patrol Operator Branch	PPB Initial Application	53	18 Day(s)	25	54 Day(s)	78	Deficient Applications
	Private Patrol Qualified Manager	PPQ Exam Request	121	8 Day(s)	247	45 Day(s)	368	Deficient Apps Processing Time
		PPQ Initial Application	38	132 Day(s)	179	142 Day(s)	217	Total Applications Processed
	Proprietary Private Security Officer	PSO Initial Application	2,323	32 Day(s)	16	107 Day(s)	2,339	
	Proprietary Private Security Officer Employer	PSE Initial Application	47	6 Day(s)	65	41 Day(s)	112	
	Repossessor Agency	RA Initial Application	0	NA	13	91 Day(s)	13	
	Repossessor Agency Employee	RAE Initial Application	33	10 Day(s)	64	53 Day(s)	97	
	Repossessor Agency Qualified Manager	RAQ Exam Request	0	NA	9	65 Day(s)	9	
		RAQ Initial Application	1	56 Day(s)	3	178 Day(s)	4	
	Security Guard	Guard Initial Application	64,458	19 Day(s)	984	86 Day(s)	65,442	
	Training Facility Baton	TFB Initial Application	0	NA	15	118 Day(s)	15	
	Training Facility Baton Instructor	TIB Initial Application	3	5 Day(s)	11	73 Day(s)	14	
	Training Facility Firearm	TFF Initial Application	0	NA	25	109 Day(s)	25	
	Training Facility Firearm Instructor	TIF Initial Application	6	5 Day(s)	47	71 Day(s)	53	

**License Performance Measures: All License Applications
FY2022/23**

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Complete Apps Processing ..	Deficient Applications	Deficient Apps Processing ..	Total Applications Processed	Legend:
Bureau of Security and Investigative Services	Alarm Company Branch	ACB Initial Application	1	10 Day(s)	11	77 Day(s)	12	Complete Applications
	Alarm Company Employee	ACE Initial Application	3,178	20 Day(s)	69	97 Day(s)	3,247	Complete Apps Processing Time
	Alarm Company Operator	ACO Initial Application	1	1 Day(s)	134	71 Day(s)	135	Deficient Applications
		ACO License Application	12	3 Day(s)	34	77 Day(s)	46	Deficient Apps Processing Time
	Alarm Company Qualified Manager	ACQ Exam Request	33	47 Day(s)	22	143 Day(s)	55	Total Applications Processed
		ACQ Initial Application	5	56 Day(s)	42	66 Day(s)	47	
	Baton Permit	BAT Initial Application	5,314	301 Day(s)	0	NA	5,314	
	Firearm Permit	FQ Initial Application	6,538	34 Day(s)	982	63 Day(s)	7,520	
	Locksmith Company Branch	LCB Initial Application	3	29 Day(s)	3	87 Day(s)	6	
	Locksmith Company Operator	LCO Initial Application	5	27 Day(s)	222	121 Day(s)	227	
	Locksmith Employee	LOC Initial Application	259	25 Day(s)	9	50 Day(s)	268	
	Private Investigator	PI Initial Application	3	43 Day(s)	204	98 Day(s)	207	
		PI License Application	185	25 Day(s)	11	11 Day(s)	196	
	Private Investigator Branch	PIB Initial Application	9	24 Day(s)	1	248 Day(s)	10	
	Private Investigator Qualified Manager	PIQ Exam Request	121	6 Day(s)	1	141 Day(s)	122	
		PIQ Initial Application	100	116 Day(s)	22	283 Day(s)	122	

DCA Entity	License Type	Application Type/Transaction Type	Complete Applications	Complete Apps Processing Time	Deficient Applications	Deficient Apps Processing Time	Total Applications Processed
Bureau of Security and Investigative Services	Private Patrol Operator	PPO Initial Application	27	34 Day(s)	559	75 Day(s)	586
		PPO License Application	10	64 Day(s)	323	69 Day(s)	333
	Private Patrol Operator Branch	PPB Initial Application	27	15 Day(s)	45	28 Day(s)	72
	Private Patrol Qualified Manager	PPQ Exam Request	69	5 Day(s)	94	85 Day(s)	163
		PPQ Initial Application	106	171 Day(s)	88	185 Day(s)	194
	Proprietary Private Security Officer	PSO Initial Application	2,692	27 Day(s)	45	82 Day(s)	2,737
	Proprietary Private Security Officer Employer	PSE Initial Application	30	3 Day(s)	59	38 Day(s)	89
	Repossessor Agency	RA Initial Application	0	NA	12	113 Day(s)	12
	Repossessor Agency Employee	RAE Initial Application	24	7 Day(s)	112	18 Day(s)	136
	Repossessor Agency Qualified Manager	RAQ Exam Request	1	6 Day(s)	6	27 Day(s)	7
		RAQ Initial Application	1	36 Day(s)	5	131 Day(s)	6
	Security Guard	Guard Initial Application	68,756	13 Day(s)	1,860	57 Day(s)	70,616
	Training Facility Baton	TFB Initial Application	0	NA	9	118 Day(s)	9
	Training Facility Baton Instructor	TIB Initial Application	5	3 Day(s)	16	88 Day(s)	21
	Training Facility Firearm	TFF Initial Application	0	NA	16	111 Day(s)	16
	Training Facility Firearm Instructor	TIF Initial Application	6	5 Day(s)	43	41 Day(s)	49

Legend:

- Complete Applications
- Complete Apps Processing Time
- Deficient Applications
- Deficient Apps Processing Time
- Total Applications Processed

License Performance Measures: Renewal License Applications FY 2021/22

DCA Entity	License Type	Application Type/Transaction Type	Renewal Applications	Processing Time	Measure Names
Bureau of Security and Investigative Services	Alarm Company Branch	Renewal	124	2 Days	Renewal Applications
	Alarm Company Employee	Renewal	3,636	2 Days	Processing Time
	Alarm Company Operator	Renewal	795	10 Days	
	Alarm Company Qualified Manager	Renewal	856	6 Days	
	Firearm Permit	Renewal	13,881	25 Days	
	Locksmith Company Branch	Renewal	19	3 Days	
	Locksmith Company Operator	Renewal	906	6 Days	
	Locksmith Employee	Renewal	632	3 Days	
	Private Investigator	Renewal	3,469	6 Days	
	Private Investigator Branch	Renewal	53	4 Days	
	Private Investigator Qualified Manager	Renewal	0	NA	
	Private Patrol Operator	Renewal	1,187	9 Days	
	Private Patrol Operator Branch	Renewal	117	17 Days	
	Private Patrol Qualified Manager	Renewal	150	4 Days	
	Proprietary Private Security Officer	Renewal	1,229	5 Days	
	Proprietary Private Security Officer Employer	Renewal	198	5 Days	
	Repossessor Agency	Renewal	108	7 Days	
	Repossessor Agency Employee	Renewal	188	2 Days	
	Repossessor Agency Qualified Manager	Renewal	107	2 Days	
	Security Guard	Renewal	85,081	3 Days	
	Training Facility Baton	Renewal	62	2 Days	
	Training Facility Baton Instructor	Renewal	87	10 Days	
	Training Facility Firearm	Renewal	139	2 Days	
	Training Facility Firearm Instructor	Renewal	262	2 Days	

License Performance Measures: Renewal License Applications FY 2022/23

DCA Entity	License Type	Application Type/Transaction Type	Renewal Applications	Processing Time	Measure Names
Bureau of Security and Investigative Services	Alarm Company Branch	Renewal	99	1 Days	Renewal Applications
	Alarm Company Employee	Renewal	3,988	1 Days	Processing Time
	Alarm Company Operator	Renewal	726	5 Days	
	Alarm Company Qualified Manager	Renewal	759	2 Days	
	Firearm Permit	Renewal	13,467	15 Days	
	Locksmith Company Branch	Renewal	15	5 Days	
	Locksmith Company Operator	Renewal	901	2 Days	
	Locksmith Employee	Renewal	684	2 Days	
	Private Investigator	Renewal	3,275	4 Days	
	Private Investigator Branch	Renewal	76	3 Days	
	Private Investigator Qualified Manager	Renewal	0	NA	
	Private Patrol Operator	Renewal	1,218	5 Days	
	Private Patrol Operator Branch	Renewal	172	2 Days	
	Private Patrol Qualified Manager	Renewal	0	NA	
	Proprietary Private Security Officer	Renewal	1,375	2 Days	
	Proprietary Private Security Officer Employer	Renewal	256	3 Days	
	Repossessor Agency	Renewal	103	2 Days	
	Repossessor Agency Employee	Renewal	154	2 Days	
	Repossessor Agency Qualified Manager	Renewal	145	2 Days	
	Security Guard	Renewal	116,043	1 Days	
	Training Facility Baton	Renewal	89	25 Days	
	Training Facility Baton Instructor	Renewal	92	1 Days	
	Training Facility Firearm	Renewal	188	12 Days	
	Training Facility Firearm Instructor	Renewal	300	1 Days	

ATTACHMENT F

CUSTOMER SATISFACTION SURVEY



The following results were generated through an online survey posted by the Department of Consumer Affairs on behalf of your program. Due to a low response rate for many Boards and Bureaus, PM6 will not be reported publicly until a larger sample size has been generated. These results are for your information only at this time. The Performance measure score is the percent of Very Good and Good ratings.

July 1st, 2018 - June 30th, 2019	
Total responses:	26
Performance measure score	88%

July 1st, 2018 - June 30th, 2019	
Performance measure score	80%

Security and Investigative Services, Bureau of

DCA Average

How well did we explain the complaint process to you?	Number	% of Total
Very Poor	2	10%
Poor	0	0%
Good	6	28%
Very Good	13	62%
Total	21	

% of Total
11%
7%
14%
68%

How clearly was the outcome of your complaint explained to you?	Number	% of Total
Very Poor	2	10%
Poor	0	0%
Good	3	14%
Very Good	16	76%
Total	21	

% of Total
14%
7%
12%
67%

How well did we meet the timeframe provided to you?	Number	% of Total
Very Poor	2	10%
Poor	2	10%
Good	3	14%
Very Good	14	66%
Total	21	

% of Total
13%
7%
14%
66%

How courteous and helpful was staff?	Number	% of Total
Very Poor	2	10%
Poor	1	5%
Good	2	10%
Very Good	16	75%
Total	21	

% of Total
8%
6%
12%
74%

Overall, how well did we handle your complaint?	Number	% of Total
Very Poor	2	10%
Poor	0	0%
Good	4	19%
Very Good	15	71%
Total	21	

% of Total
19%
6%
10%
65%

If we were unable to assist you, were alternatives provided to you?	Number	% of Total
Yes	1	25%
No	3	75%
Not Applicable	0	0%
Total	4	

% of Total
49%
51%
0%

Did you verify the provider's license prior to service?	Number	% of Total
Yes	6	30%
No	4	20%
Not Applicable	10	50%
Total	20	

% of Total
32%
37%
31%

Complaint Number	Comment
1202019002668	The analyst handling our case was polite, courteous, professional, and thorough. We appreciated his handling our case.
120219002816	Thank you very much for me contacted you very helpful and very thoughtful of your business.
1202019002227	Mr McCurley was very helpful. Titanium LLC was afraid of the outcome of the investigation as they have many complaints.
1202019003167	Great service. Thank you
No Complaint Number Provided	Amazing! Went way faster than I expected.
1202019001716	The attention of Mr. McCurley was very good. Thank you!
1202019002115	Cynthia Parry was a great pleasure to deal with - very professional, courteous, and effective! Thank you!
1202019002115	Cynthia Parry was a great pleasure to deal with - very professional, courteous, and effective! Thank you!
1202019002133	It was a pleasure dealing with Analyst Samuel McCurley. It was reassuring to me to learn how helpful the Department of Consumer Affairs can be in situations like the one I encountered. Mr. McCurley was effective, courteous and efficient.
1202018007067	My thanks to Samuel McCurley
No Complaint Number Provided	This is not the first time filing my complaint, and it has been months that these businesses have been operating out of compliance. It appears not to be a priority of the department that these guards or clients are out working and or being serviced without licensed guards and or insurance.

1202018004879	Staff Analyst Samuel McCurley demonstrated strong due diligence and precise attitude by getting to the matter of the issue even though business representatives chose defense strategy to overwhelm investigator with irrelevant and misleading information.
1202018006101	Unable to verify provider's license number since a very helpful third party was the one who actually spoke on behalf of my Primarily Spanish Speaking father. My senior citizen father is not the only one who has had a problem with the way SHSS does their underhanded business practices. No agreement reached. No alternative. We are all in our family and friends Not satisfied with the time wasted on basically NOT protecting consumers like my Spanish speaking father and many others against this company called SHSS. On a scale of 1-10. Right now I give 0 Stars for what seems 0 Effort.
Unknown	This is a second complaint filed. The agency BSIS initial complaint failed to contact me, provide a status or mail out any information, appeals, other agency. PRA request al were incomplete and the BSIS uncooperative.
1002188810	Staff was very helpful in resolving my complaint.
1202018002026	My first complaint in the form of a letter in December 2017 had no response. I found the form on line in March 2018 and I did get a response from that. I was unhappy with the results and realize that you can do nothing further.
1202018003316	Special Thank you to Samuel McCurley, he helped us to solve the problem.
1202018004067	I just want to thank you so much for all your help in this matter. Mr. McCurley was very helpful and was very kind in promptly resolving my complaint. I could not have done this on my own. I tried but could not. Thank you again for resolving this matter.

The following results were generated through an online survey posted by the Department of Consumer Affairs on behalf of your program. Due to a low response rate for many Boards and Bureaus, PM6 will not be reported publicly until a larger sample size has been generated. These results are for your information only at this time. The Performance measure score is the percent of Very Good and Good ratings.

July 1st, 2019 - June 30th, 2020	
Total responses:	30
Performance measure score	86%

July 1st, 2019 - June 30th, 2020	
Performance measure score	82%

Security and Investigative Services, Bureau of

DCA Average

How well did we explain the complaint process to you?	Number	% of Total
Very Poor	2	10%
Poor	1	5%
Good	1	5%
Very Good	17	80%
Total	21	

% of Total
11%
6%
13%
70%

How clearly was the outcome of your complaint explained to you?	Number	% of Total
Very Poor	3	14%
Poor	0	0%
Good	0	0%
Very Good	18	86%
Total	21	

% of Total
14%
7%
9%
70%

How well did we meet the timeframe provided to you?	Number	% of Total
Very Poor	3	15%
Poor	0	0%
Good	3	15%
Very Good	14	70%
Total	20	

% of Total
12%
7%
15%
66%

How courteous and helpful was staff?	Number	% of Total
Very Poor	2	10%
Poor	1	5%
Good	0	0%
Very Good	18	85%
Total	21	

% of Total
7%
6%
11%
76%

Overall, how well did we handle your complaint?	Number	% of Total
Very Poor	3	14%
Poor	0	0%
Good	0	0%
Very Good	18	86%
Total	21	

% of Total
17%
6%
10%
67%

If we were unable to assist you, were alternatives provided to you?	Number	% of Total
Yes	2	40%
No	3	60%
Not Applicable	0	0%
Total	5	

% of Total
50%
50%
0%

Did you verify the provider's license prior to service?	Number	% of Total
Yes	5	26%
No	5	26%
Not Applicable	9	48%
Total	19	

% of Total
33%
36%
32%

Complaint Number	Comment
1202020001027	Excellent customer service. Mr. Samuel McCurley was most helpful, courteous, and provided excellent customer service.
1202020002782	I was very pleased with the response to my situation and the outcome.
1202020002986	Very much appreciate the fast outcome of the claim! Thank you very much!!!
adam48720	SudaneseOnline comments
1202019004513	Analyst was Samuel McCurly
1202019007391	Ms. Carrier was very professional. Thank you!
1202019006873	I thought Samuel, my assigned agent. Handled my concerns very professional and thorough, he brought a resolution to the ongoing dispute, I was having with my Security Company. And I really do appreciate all of his efforts.
1202019004806	Samuel McCurley did an excellent job resolving the issue
1202019005564	I would like to mention how helpful and professional Mr. Samuel McCurley was in resolving a dispute we were having with our alarm company - Protection One/ADT. The day after we filed an online complaint with the Bureau of Security and Investigative Services, Mr. McCurley called us to introduce himself as our contact at the Bureau, to clarify details about our complaint, and to describe the process he would follow to address our issue. He also indicated a likely timeline for obtaining a response from ADT, and for hearing from him again regarding the situation. Within that time frame, he called to give us the good news that ADT had agreed to our request to close our account and drop fees we felt were unacceptable (a result we had been unable to obtain on our own for over 8 months). He then did multiple follow-up calls with us to ensure our billing from ADT was done correctly to reflect the agreement, and to obtain and provide a written response from ADT about the resolution that we had requested for our files. In every conversation, he emphasized that he was available to help and answer our questions at any time and would only close our file when we were completely satisfied. It was an absolute pleasure to work with someone so cordial and efficient, and we highly commend Mr. McCurley for his customer service and for our exceptional experience with the Bureau of Security and Investigative Services.

1202019005465	Thank you so much for Samuel McCurley's help with my ADT account. He was able to get ADT to cancel my account due to many problem. I tried on my own but was unable to get it cancelled. Samuel was most helpful.
1202019005354	Thanks to Mr. McCurley's effort to resolve the matter in a timely and professional manner.
1202019004839	Mr. Shane is outstanding
1202019003942	I wish you can enforce the law in this case, the person in the complaint does not have any legal documentation to get her valid license, but if something happens while she works with a fake license, you are already notified of this problem. The bureau of investigation told me that they gave her 15 days so she can prove a valid licensed, but no one have notified me of what happen in this case.
1202019005586	Resolved my issue completely. Great job!
1202019004434	Hat's off to Samuel McCurley. He is awesome and a great Rep for the Dept.!
1202019003962	Samuel was an incredible help
No Complaint Number Provided	You have a bunch of idiots
1202018004715	Very disappointed. Poor communication; poor follow-up; no evidence of an investigation; what is going on with your unit?

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July 1st, 2020 - June 30th, 2021	
Total responses:	32
Performance measure score	76%

July 1st, 2020 - June 30th, 2021	
Performance measure score	82%

Security and Investigative Services, Bureau of

DCA Average

How well did we explain the complaint process to you?		
	Number	% of Total
Very Poor	1	5%
Poor	3	14%
Good	2	10%
Very Good	15	71%
Total	21	

% of Total
10%
6%
12%
72%

How clearly was the outcome of your complaint explained to you?		
	Number	% of Total
Very Poor	5	24%
Poor	1	5%
Good	0	0%
Very Good	15	71%
Total	21	

% of Total
15%
5%
11%
69%

How well did we meet the timeframe provided to you?		
	Number	% of Total
Very Poor	4	19%
Poor	1	5%
Good	4	19%
Very Good	12	57%
Total	21	

% of Total
12%
6%
16%
66%

How courteous and helpful was staff?		
	Number	% of Total
Very Poor	2	10%
Poor	3	14%
Good	0	0%
Very Good	16	76%
Total	21	

% of Total
9%
4%
9%
77%

Overall, how well did we handle your complaint?		
	Number	% of Total
Very Poor	4	19%
Poor	1	5%
Good	2	10%
Very Good	14	66%
Total	21	

% of Total
18%
5%
8%
69%

If we were unable to assist you, were alternatives provided to you?		
	Number	% of Total
Yes	2	22%
No	7	78%
Not Applicable	0	0%
Total	9	

% of Total
56%
44%
0%

Did you verify the provider's license prior to service?		
	Number	% of Total
Yes	12	63%
No	4	21%
Not Applicable	3	16%
Total	19	

% of Total
35%
34%
31%

Complaint Number	Comment
12020221001497	I appreciate Guadalupe Cabanyog for her assistance and did a swift job. She delivered excellently. I just received the refund in full from ADT transferred directly to the TCU into my account. Thank you so much for the great service. That is a big relief.
1202021000005	Excellent Service
1202020006902	Thank you
1202020005954	Thanks for being there
1202020006666	If a company does something wrong, such as ADT, it can't just cancel their wrong doing. It need to be punished to ensure it doesn't do it again.
1202020004919	William Shane BSIS Complaint Resolution was professional, courteous and resolved issue with Brinks Home Security. Miracle. He is GREAT!
120202000569	Guadalupe Cabanyog was extremely kind, understanding, and professional.
1202019004674	Rob Dawkins was very helpful & informative.
1202020004305	Very nice!
1202020004895	I had the pleasure of working with Guadalupe Cabanyog and she was so easy to work with, understood my situation and took measures, and exceeded my expectations, and resolved my case! Thank you so much for your hard work and outstanding services!

1202020005200	<p>I should add, the P.I. in question threatened to retaliate against me by taking me to court. Lupe and Ruby were not phased by this, either. They claimed it was not retaliation or an infraction, while taking his word for it. To take me to court it would cost him more than the charge for the asset search and he threatened this two months ago. So, it was an empty threat but still him admitting to retaliation. Lupe used this as another reason to quickly close the case. The P.I. still has not served me and will not do so in the future. Lupe claimed that he can simply threaten that and the case would automatically close, no proof necessary for it. He used this trick to intimidate me and knew he could also get the case closed immediately by using that trick. Ruby and Lupe's rationale is not believable or helpful. The P.I. definitely is guilty of retaliation and Lupe claimed she "didn't need" to ask him for proof of this threat before taking his word about it and ending the case prematurely. The case should not be closed for something that simplistic, especially when the P.I. in question is clearly retaliating for being investigated. That tactic apparently can be used by anyone under investigation in California and any P.I. can escape an inquiry by threatening this. Again, no action on the part of BSIS even though these are obvious issues.</p>
1202020005200	<p>I should add, the P.I. in question threatened to retaliate against me by taking me to court. Lupe and Ruby were not phased by this, either. They claimed it was not retaliation or an infraction, while taking his word for it. To take me to court it would cost him more than the charge for the asset search and he threatened this two months ago. So, it was an empty threat but still him admitting to retaliation. Lupe used this as another reason to quickly close the case. The P.I. still has not served me and will not do so in the future. Lupe claimed that he can simply threaten that and the case would automatically close, no proof necessary for it. He used this trick to intimidate me and knew he could also get the case closed immediately by using that trick. Ruby and Lupe's rationale is not believable or helpful. The P.I. definitely is guilty of retaliation and Lupe claimed she "didn't need" to ask him for proof of this threat before taking his word about it and ending the case prematurely. The case should not be closed for something that simplistic, especially when the P.I. in question is clearly retaliating for being investigated. That tactic apparently can be used by anyone under investigation in California and any P.I. can escape an inquiry by threatening this. Again, no action on the part of BSIS even though these are obvious issues.</p>
1202020004000	<p>Staff Service Analyst Guadalupe Cabanyog was very professional, courteous and friendly. She provided a great service and drove the complaint to a successful resolution.</p>
1202019003369	<p>Overwhelming evidence of fraud, false advertise, and false submission of P.I. application</p>
1202019003369	<p>Overwhelming evidence of fraud, false advertise, and false submission of P.I. application</p>
1202019007833	<p>My complaint was resolved but s this company taking advantage of others who might not know about BSIS?</p>

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July 1st, 2021 - June 30th, 2022	
Total responses:	26
Performance measure score	85%

July 1st, 2021 - June 30th, 2022	
Performance measure score	79%

Security and Investigative Services, Bureau of

DCA Average

How well did we explain the complaint process to you?	Number	% of Total
Very Poor	2	10%
Poor	3	14%
Good	1	5%
Very Good	15	71%
Total	21	

% of Total
13%
6%
11%
70%

How clearly was the outcome of your complaint explained to you?	Number	% of Total
Very Poor	2	10%
Poor	2	10%
Good	0	0%
Very Good	17	80%
Total	21	

% of Total
16%
6%
10%
68%

How well did we meet the timeframe provided to you?	Number	% of Total
Very Poor	2	10%
Poor	0	0%
Good	3	15%
Very Good	15	75%
Total	20	

% of Total
14%
6%
14%
66%

How courteous and helpful was staff?	Number	% of Total
Very Poor	1	5%
Poor	0	0%
Good	3	14%
Very Good	17	81%
Total	21	

% of Total
9%
7%
7%
77%

Overall, how well did we handle your complaint?	Number	% of Total
Very Poor	2	10%
Poor	2	10%
Good	2	10%
Very Good	15	70%
Total	21	

% of Total
19%
7%
8%
67%

If we were unable to assist you, were alternatives provided to you?	Number	% of Total
Yes	2	50%
No	2	50%
Not Applicable	0	0%
Total	4	

% of Total
54%
46%
0%

Did you verify the provider's license prior to service?	Number	% of Total
Yes	5	31%
No	4	25%
Not Applicable	7	44%
Total	16	

% of Total
33%
40%
28%

Complaint Number	Comment
1202022002661	My Complaint Resolution Analyst, Guadalupe Cabanyog, was very thorough and professional. She explained the procedures at the beginning of the case. Followed up with status reports in a timely fashion and if she said she would let me know something in a given time frame, called me during that time, even if she had nothing new to add. She is the definition of Customer Service. I can't thank her and her agency more for resolving this matter for me.
1202022002053	Thank you to Evonne. She was very professional and very patient. I am a retired state worker and appreciated her detailed and hard work.
1202022002086	The Resolution analyst seemed satisfied that a "case file" was provided, but did not seem to care or discuss the quality or completeness of the case file. Even after I specifically identified the important key items that were omitted. This case is going to trial, and the investigator purposely omitted the most important pieces of his investigation. The analyst just went through the motions, and chose not
1202021005772	Mr. Shane really helps the case.
120 2021 004294	I am very happy with the outcome of the complaint and Mr. Shane's diligence.
1202021002105	Did very well for what they could
1202021004853	I was given excellent service by my assistant. She was very knowledgeable, friendly, with positive attitude. Thank you so much -A.C.
1202020003092	timeline was not as quick and expected but the result was what I needed.
1202021002898	Timeliness of contact was poor. I rectified the complaint with the provider, ADT Alarms, by addressing the complaint made by me with BSIS. That alone solved this issue. I rated the explanation sections of this survey, without knowing what if any actual contact was made by BSIS.
No Complaint Number Provided	We're not sure if this is a fraud or scam I'll have to call 1-800-952-5210 to authenticate this inquiry it's strange
1202021005115	Great, courteous, professional handling of my complaint. Very satisfied.

1202021004507	Excellent treatment and outcome! Thanks, Cynthia.
1202021004853	I was given excellent service by my assistant. She was very knowledgeable, friendly with positive attitude. Thank you so much.
1202021003435	Thank you for protecting me from extortion by Brinks
1202021002104	Received confirmation of resolution. Well done, thank you.
1202021001497	Guadalupe Cabanyog did a swift job. She delivered excellently!!!
1202021002650	Very quick and helpful. Didn't require me to do much on my end!
1202021001133	Nothing has happened yet...its been 6 months sitting on a desk at DCA. Statements and proof upholding statements, yet nothing has been done. Honestly, I am fed up with all these systems that seem to do nothing. I can't even get a live person to speak to at the EDD to get any unemployment assistance. Been out of work now 6 months. we didnt get any stimulus payments because our tax man forgot to file it so you can see I am very frustrated.
1202021003435	Thank you for protecting me from extortion by Brinks

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July 1st, 2022 - June 30th, 2023	
Total responses:	30
Performance measure score	74%

July 1st, 2022 - June 30th, 2023	
Performance measure score	79%

Security and Investigative Services, Bureau of

DCA Average

How well did we explain the complaint process to you?	Number	% of Total
Very Poor	3	14%
Poor	3	14%
Good	3	14%
Very Good	13	58%
Total	22	

% of Total
12%
6%
14%
68%

How clearly was the outcome of your complaint explained to you?	Number	% of Total
Very Poor	7	32%
Poor	0	0%
Good	2	10%
Very Good	13	58%
Total	22	

% of Total
19%
5%
13%
64%

How well did we meet the timeframe provided to you?	Number	% of Total
Very Poor	3	14%
Poor	3	14%
Good	3	14%
Very Good	13	58%
Total	22	

% of Total
15%
7%
18%
60%

How courteous and helpful was staff?	Number	% of Total
Very Poor	3	14%
Poor	0	0%
Good	3	14%
Very Good	16	72%
Total	22	

% of Total
9%
6%
11%
74%

Overall, how well did we handle your complaint?	Number	% of Total
Very Poor	6	27%
Poor	1	5%
Good	0	0%
Very Good	15	68%
Total	22	

% of Total
22%
6%
8%
65%

If we were unable to assist you, were alternatives provided to you?	Number	% of Total
Yes	3	33%
No	6	67%
Not Applicable	0	0%
Total	9	

% of Total
46%
54%
0%

Did you verify the provider's license prior to service?	Number	% of Total
Yes	12	57%
No	7	33%
Not Applicable	2	10%
Total	21	

% of Total
37%
35%
28%

Complaint Number	Comment
12020220010095	The is beyond horrible. 16 to 18 months to get response. BSIS did not take my complaint seriously at any time. The PI I hired stole my \$ sent them fraudulent investative reports lied about sending me anything! I got nothing from him. Not a scrap of paper. I hired him to interview the 3 people in the presence of my child's death. I needed a impartial party to do that cuz 911 calls and info lost by RPD. Said he contacted RPD and got no info than appears with some audio file that he charged me \$900 for restoration. It never existed and I never got it. He didn't interview the 3 persons I asked him to. And he SAID he ran full background reports on my son. Wrong name.. my sons urologist from when my son was 2 yr. 16 when he died and ran report on my sons probate attny when he died. Said he ran my sis Sarah.. my sis is Cynthia. I never got anything from him EVER. He knows how to work the system. Then he accused me of a false crime that I got my clearance reports on myself to prove no crime. He said that terminated our contract and I owed him more\$. I can not be the only person he has done this to. ALL BSIS HAD TO DO WAS ACTUALLY READ MY CONTRAT WITH PI AND LOOK AT THE FRAUDULENT REPORT HE SENT THEM.EVEN HIS ADDRESS AND PH ON REPORT WAS NOT CURRENT. HE GETS A MAIL BOX AT UPS STORE OR WHATEVER EVERY 6 MONTHS. BSIS never investigated anything yet just this month renewed hi PI license for 2 more years. I have contacted my Senator and the Postal Investigation Service cuz there is wire fraud with the money he stole and the mailings to BSIS were fraudulent. Also the FBI fraud unit. I also had to hire another Private Investigator firm to run my PI and that really pissed him off. He was never LE or Military. He is a Con artist and I'm sure you will see his name again. DAVID JOE STRAIT DOB 7/10/67 THANK YOU SYLVIA KOEHLER TRIXIEBOBTANG@SBCGLOBAL.NET 951 312 0317
1202022006876	Alarm.com & Brinks have lied to you & you believe them not me... your wrong!
c20 2023 000905	ADT will never be held accountable for provided work to consumers
1202023000905	You have reinforced that an honest consumer who is not rich or a celebrity has no chance to getting justice: https://drive.google.com/file/d/1WipvT_Si2-ZqnpLXhjEi1BMvIGZpzd9/view?usp=sharing
1202022007750	Thank you my Dad wanted alarm so we got it
120 2022 008904	I expect more. Sorry.

1202023000082	Guadalupe Cabanyog courteous and kind. She takes the time to understand the complaint and takes the appropriate actions to help to resolve the problem. She provides outstanding customer service!
1202022006960	Ms. Isabel Mejia was understanding, courteous & professional in the manner in which she resolved our problem with Brinks. Thank you!
1202022007840	Thank you for all your support I'm very happy with the outcome.
1202022007839	Ms. Isabel Mejia made her decision on Mr. David Roman's bogus contract and not on my original contract with Safe Home Security/Safe Guard America, Inc. Mr. Roman has been found guilty of similar charges in his own home state of Connecticut, but not in California. See provided document sent to her.
1202022006128	Very helpful and courteous. Thank you!
1202022007575	Very disappointed in the number of complaints allowed against ADT without any action. Basically no help at all.
1834148	I would like to cancel my complaint forms one was mine and the other my neighbor the issue was resolved my neighbor son lied cause he doesn't like our neighbor.
1202022006410	Thank you for your help.
1202022006276	The representative went above and beyond to help me resolve this matter in the best way possible.
1202022006426	Isabel was wonderful to work with and resolved my issue very quickly!
1202022006426	Isabel was wonderful to work with and resolved my issue very quickly!
1202022004903	Very helpful. Ms. Cabanyog was so understanding and helpful. I doubt Brinks would have complied if not for her intervention.
SA2022 3814	I'm very satisfied with how my complaint was handled and how the investigator kept me informed every step of the way, clearly explained everything so I understood.



BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

SUNSET REVIEW REPORT 2023

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC
DEVELOPMENT AND THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS



GAVIN NEWSOM
GOVERNOR

MELINDA GRANT
UNDERSECRETARY, BUSINESS, CONSUMER
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