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Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

**December 7, 2010
Quarterly Board Meeting Minutes**

**Richmond Police Academy
1202 W. Graham Road
Richmond, Virginia 23220**

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Call to Order

Chairman Chris DiMartino called the meeting to order and on behalf of PSSAB welcomed everyone to the meeting.

Roll Call

Chairman DiMartino asked Secretary Ciccotti to take the roll. Secretary Ciccotti proceeded with roll call and stated that there was a full quorum of members present.

Board Attendees

Chris DiMartino, Chairman; Paul Ellis, Vice-Chairman; Charles Ciccotti, Secretary; Craig L. Branch; Stephen Demma; Joseph Maslanka; Seth P. Oginz; Frank Phillips; Daniel Schmitt; Thomas H. Turner; Mary Kay Wakefield; James D. (Danny) Washburn, Jr.

Absent

All board members were in attendance.

Acceptance of Agenda

Chairman DiMartino called for a motion to accept the agenda. A motion to approve the agenda was made by Ms. Mary Kay Wakefield. Secretary Ciccotti seconded and the motion carried.

Approval of Minutes

Chairman DiMartino called for a motion to approve the minutes as submitted from the October 5, 2010 Board meeting. A motion to approve the minutes was made by Mr. Joseph Maslanka. Mr. Paul Ellis seconded and the motion carried.

Committee Reports

Training Committee:

Mr. Stephen Demma reported that there was no report for the Training Committee.

Regulatory Report:

Mr. Thomas Turner reported that the Regulatory Committee has not had a meeting and there was no report. Mr. Turner stated he had some comments on Special Conservators of the Peace (SCOP). He stated several Special Conservators of the Peace (SCOP) had inquired about model court orders for SCOP appointments. He stated that he reviewed the Report to the Virginia State Crime Commission -Special Conservators of the Peace and Special Police (SD #12, 2003). He reported that it appeared that all recommendations had been met with the exception of Recommendation 8: Request the Executive Secretary of the Supreme Court to develop a model court order for Conservator of the Peace appointments that includes the mandated criteria in §19.2-13.

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Mr. Turner requested that the issues with SCOP identified in the report be reviewed prior to proposing revised regulations. Mr. Turner requested that DCJS research the status of the development of the model court appointment order.

This is a DCJS priority and contact has been made with Mr. Macon, Criminal Justice Services Board and Assistant Executive Secretary on Legal Counsel for the Supreme Court of Virginia.

Ms. McGee reported that DCJS had contacted Mr. Macon will be scheduling meetings to develop a model appointment order that can be used throughout the state. She stated that Mr. Turner would be included in the meetings as the Representative for SCOP. These meetings would address previous concerns about appointment orders and businesses that have individuals appointed as SCOP that do not meet the intent of the law. She stated that the model appointment order would bring clarification to the appointment process.

Conference Committee:

Mr. Joseph Maslanka reported that the Conference Committee held two meetings. The Committee had three questions for the Board:

- Does the Board want to have a conference?
- Is the Board aligned to partnering with the Crime Clinic of Central Virginia?
- Will the conference be supported through funding, involvement or both?

Mr. Maslanka reported that the primary responsibilities of the Conference Committee were the solicitation of funds, sponsorship and the conference format. He stated that the conference, scheduled for the end of September 2011, would be a three day event co-sponsored with the Virginia Crime Clinic in Williamsburg. One and one-half days would be dedicated to law enforcement and the remaining one and on-half days to private security. The estimated cost of the event is \$35,000, based upon attendance of 225 persons. The estimated costs include the cost of meeting rooms, meals and audio visual equipment. Meals include breakfast on Wednesday and Thursday, dinner on Thursday night and breaks.

To defray the conference costs of \$35,000, each Board member would be responsible for raising approximately \$3500 in solicitations. Conference registration fees would be \$90 per person, using the attendance figure of 225 persons based upon average attendance figures for both the Crime Clinic and Private Security. Mr. Robbie Robertson suggested that the Committee try to get a minimum of 25 vendors at a fee of \$400 each to help with conference funding and networking events. Mr. Robertson stated that conference speakers could be retained at no cost with the exception of lodging.

The next Conference Committee meeting is tentatively scheduled for December 22, 2010 at the Retail Merchants Association. A meeting for early January 2011 may be planned to finalize plans for the format, sponsorship, solicitation, and other conference concerns.

Ms. McGee stated that because DCJS handles administrative proceedings and places monetary sanctions on the industry, it would create a conflict of interest for the

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Department to solicit conference funding from the industry. Ms. McGee will follow up to ensure that there is no conflict on interest with the Advisory Board soliciting funding for the conference.

Chairman DiMartino asked if in-service credit would be available for the break-out sessions. DCJS in-service credit would be available for both law enforcement and private security training sessions.

DCJS Report:

Ms. Lisa McGee, Regulatory Manager of DCJS, gave the Department's report. Ms. McGee thanked everyone for their attendance at the meeting. Ms. McGee provided each Board member with a copy of the PSSAB Reference Manual. She reviewed the contents of the manual with the Board members and advised that she would provide any additional information that Board members would like to have.

Ms. McGee reported that in compliance with the Governor's Executive Order #16 (2010) and the State and Local Government Conflict of Interests Act of the Code of Virginia, Financial Disclosure Forms are due on January 15th. Also, each is required to complete a training session every two years. Ms. McGee will send out the information to Board members immediately. Ms. McGee stated that most Board members are current on the training.

Ms. McGee reported that she attended the International Association of Security and Investigative Regulators (IASIR) annual Conference in Delaware last month. She stated that Virginia has been selected to host the 2011 IASIR Conference that will be held in the Washington, DC/Northern Virginia area. Ms. McGee encouraged Board members to attend the 2011 conference. The conference dates have not been determined but will be in late October or early November.

Ms. McGee reported that the Re-proposed Regulations are still at the Secretary's office under executive review. Ms. McGee asked Mr. Robbie Robertson to present the field report to the Board.

Mr. Robbie Robertson reported that he has been working with Mr. Rick Arrington in an effort to foster better relations between Law Enforcement and Private Security. They presented training in June during which Mr. Robertson taught a four-hour block on the private security licensing requirements, training and the background check process. In September, Mr. Robertson and Mr. Arrington conducted a 4 hour seminar on "Building Relationships" with Law Enforcement and Private Security.

Mr. Robertson reported that Commissioners of Revenue do not know about the regulations relating to private security. He reported that some areas are granting business licenses for private security providers and locksmiths without verifying that the business is properly registered with DCJS. Also, special permits are being issued to restaurants for special events that require security without requiring the restaurant management ensure that the individual or company is properly licensed by DCJS.

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Ms. McGee thanked Mr. Robertson and asked Ms. Kim Buckner to end the DCJS report with a presentation on Town Hall. Ms. Buckner presented a short training on the Virginia Regulatory Town Hall. She demonstrated how to navigate the website to register for notifications and research information. The Virginia Regulatory Town Hall website address is <http://townhall.virginia.gov/>.

Mr. Leon Baker reported that Ms. Lisa McGee was elected as Director-at-Large at the IASIR conference. He wished a safe and happy holiday season to the Board on behalf of the Governor, Secretary of Public Safety, Director Wheeler and the DCJS Staff.

Ms. McGee thanked Ms. Buckner and advised Chairman DiMartino that this concluded the DCJS report.

Unfinished/New Business

Chairman DiMartino announced tentative dates for the 2011 Board Meetings:

- February 22nd
- May 17th
- July 19th
- September 28th (final 2010 meeting at the conference)

Unfinished

There was no unfinished business.

New Business

Mr. Ciccotti stated that there is a proposal with the Joint Commission on Science and Technology on the use of global positioning system (GPS) units by private investigators. He stated that there is a move to eliminate crime investigators use of GPS systems and keep them available to select groups. Mr. DiMartino stated that bail bondsmen and bail enforcement agents were included in the legislation but were removed. He stated that eliminating the use of GPS greatly limits the loss prevention side of private security. It could also limit use of GPS on company vehicles and electronic security by outlawing GPS tracking. Mr. Baker checked on the GPS bill and found that it has not been issued as a bill. It was actually out at the last session as HB 670 instead of SB 599. It was referred to the Joint Commission for Electronic Security. They met on November 30, 2010 and again on December 6, 2010. Currently it is a draft bill without a number assignment.

Board Comments/ Discussion from the Board:

Ms. Mary Kay Wakefield thanked the DCJS for the PSSAB Reference Manual and shared that the Crime Prevention Association is positive. Ms. Wakefield suggested that the Board members receive one to two hours of training after the PSSAB officially breaks. This would be a means of members possibly getting their in-service credentials during the conference. Ms. Wakefield suggested that PSSAB meeting dates be set in advance and that they be held in one location as much as possible.

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Ms. Wakefield expressed concerns about the three open seats on the Board. She also expressed concerns about the lack of industry participation in the PSSAB meetings. She suggested that the Board take steps to bring in new Board members and increase industry participation.

Board members discussed the formation of a new subcommittee to look at filling the vacant Board positions and ways to increase industry participation. Mr. Seth Oginz stated that in the past he was Chairman of External Communication and found that the industry was vaguely aware of the Board or DCJS' existence. Secretary Ciccotti stated that the problem is that constituents do not have a clear understanding of what DCJS does, the system or how it works. Mr. Ellis moved to form a Communications Subcommittee. Mr. Ciccotti seconded and the motion carried. Chairman DiMartino appointed Ms. Wakefield as Chairperson of the Communications Subcommittee.

Mr. Frank Phillips brought forth two issues of concern from the industry. First, he stated that the bar is set too high for personal protection specialists (PPS) and for private investigators when hiring or utilizing independent contractors versus employees. The industry understanding is that a PPS must be employed by a licensed security business to work in the Commonwealth. But, if working as an independent contractor a PPS must meet the exact same licensing requirements of a fully fledged business. He said that the nature of the business does not lend itself to being restricted within the borders of the Commonwealth and many practitioners come from surrounding states. Therefore, the requirements to maintain independent contractor status are difficult to maintain. Mr. Phillips suggested that the Board consider an independent contractor PPS category with less stringent business requirements for sole proprietors.

Secondly, Mr. Phillips pointed out that international PPS details that are certified in foreign countries come into the Commonwealth under their regulatory authorities and perform PPS duties. He said these individuals are not in compliance with our regulations unless they contract with a DCJS licensed company. Mr. Phillips stated that this is an ongoing issue and should not be ignored. Mr. Phillips suggested that DCJS research a process that will allow international PPS details to work with their foreign status and/or certify them for our compliance.

Ms. McGee made a comment about DCJS' authority to enter into agreements and that there currently exists reciprocity agreements for private investigators. Mr. Baker advised that in order for reciprocity to apply for private investigators, the case must originate in their state, the private investigator must be licensed in the state where the case originated and there must be a reciprocity agreement in place for that state. Chairman DiMartino requested that Mr. Turner add reciprocity and GPS to the agenda for the next Regulatory meeting.

Public Comments:

Mr. Kevin Hodges commented that if there are good speakers and in-service training credit given the people will come to the meetings. He said that DCJS should advertise the PSSAB meetings on the DCJS website and calendar. Mr. Hodges stated that Board

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members should approach conference sponsorship as a business owner and not as a Board member. Mr. Hodges commented that the GPS issue is a big concern for the armored car business. Mr. Turner asked Mr. Hodge how would the GPS bill effect interstate commerce with armored cars traveling through different states. He inquired about the existence of Federal armored car reciprocity agreements.

Announcements:

Chairman DiMartino announced that Board member Carl Armstrong had resigned from the Board. Chairman DiMartino thanked Mr. Armstrong for his service to the Board. He stated that there are three vacancies for the Board. The positions will remain open until June or until they are filled. The segments of the industry not represented are Bail Bondsmen, Armored Car and Locksmith. Mr. Demma stated that no changes have been made since 2003 and it is apparent that the Board is not doing their job and/or is not efficient.

The next Private Security Services Advisory Board meeting is scheduled for Tuesday, February 22, 2011. The agenda will be distributed at a later date. All meeting information will be posted on Town Hall.

Adjournment

Chairman DiMartino requested a motion to adjourn. A motion to adjourn was made by Secretary Ciccotti. Mr. Maslanka seconded. The motion carried and the meeting was adjourned.

DCJS Staff

Leon Baker, Division Director
Lisa McGee, Regulatory Manager
Kim Buckner, Training Coordinator
Brenda Cardonza, Administrative Assistant
Neadie Moore, Licensing Coordinator
Robbie Robertson, Field Investigator
Burt Walker, Field Investigator

Industry Attendees

George Haudicourt
Kevin Hodges