

**Commonwealth of Virginia**  
**PRIVATE SECURITY SERVICES ADVISORY BOARD**

**March 1, 2011**  
**Quarterly Board Meeting Minutes**

**Tuckahoe Public Library**  
**1901 Starling Drive**  
**Richmond, Virginia 23229**

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## **Call to Order**

Chairman Christopher DiMartino called the meeting to order and on behalf of the Private Security Services Advisory Board (PSSAB), welcomed everyone to the meeting. He welcomed DCJS Director Garth Wheeler and Chief Deputy Director Debra Gardner to the meeting. Chairman DiMartino thanked the Board members and the industry attendees for successfully preserving the Private Security Services Advisory Board.

## **Roll Call**

Chairman DiMartino asked Secretary Charles Ciccotti to call roll. Secretary Ciccotti proceeded with roll call and stated that all Board members were present and there was a quorum.

## **Board Attendees**

Christopher DiMartino, Chairman; Paul Ellis, Vice-Chairman; Charles Ciccotti, Secretary; Lt. 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.

## **Approval of Agenda**

Chairman DiMartino called for a motion to approve the agenda. A motion to approve the agenda was made by Daniel Schmitt, Mary Kay Wakefield seconded and the motion carried.

## **Approval of Minutes**

Chairman DiMartino called for a motion to approve the minutes from the December 7, 2010 Board meeting. Some changes had been made to the minutes as posted per the request of Board members. All Board members had not been able to review the revised minutes prior to the meeting. Paul Ellis moved that approval of the minutes be tabled until the next PSSAB meeting scheduled for May 17, 2011. Charles Ciccotti seconded and the motion carried.

## **Committee Reports**

### **Training Committee**

Mr. Stephen Demma reported that he has been working with Ms. McGee in an effort to change the membership of the training committee to include representation from all areas of the private security industry. Mr. Demma stated that the intent is to enlist new members who will bring new training ideas to the table from each field. He said that Ms. McGee would assist with publicity. DCJS will post information on their website. After recruiting the new members, the Training Committee will begin holding meetings throughout the state of Virginia.

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## Regulatory Committee Report

Mr. Thomas Turner reported that Regulations Relating to Special Conservators of the Peace (SCOP) will soon be open for review. He stated that he had advised all of the Special Conservators of the Peace via email about the regulations and that this will be an opportunity to submit proposals for changes to the current regulations. He also referred them to the Virginia Townhall website for future communications. Mr. Turner expressed his appreciation to DCJS for their assistance in providing the email addresses of the SCOP registrants.

## Conference Committee

Mr. Joseph Maslanka reported that the Conference Committee has scheduled a meeting for March 15, 2011 in conjunction with the Communications Committee. Mr. Maslanka sent out an email communication on Monday, February 28, 2011 to the Conference Committee members requesting topics of interest for the March 15<sup>th</sup> meeting. A survey will be sent to those who attend the Training Conference and not to the industry.

## Communications Committee

Ms. Mary Kay Wakefield reported that the Communications Committee has begun working on improving communication between DCJS staff members and the security industry. She reported that the responsibilities of the committee have become more complicated than anticipated and may evolve into a standing committee going forward. She reported that the committee brainstormed about ways to improve Board communication from posting meetings a year in advance to utilizing social networking. She reported that Mr. Dan Schmitt agreed to Co-chair the committee and she hopes others will join. The next Communications Committee meeting is scheduled for 10 am on Tuesday, March 15, 2011 at the Richmond Alarm Company in Midlothian, VA.

Chairman DiMartino announced that the Private Security Services Board (PSSAB) has a Facebook page, DCJS Private Security Service Advisory Board, which will be used as resource for communicating meetings and other PSSAB related events. Chairman DiMartino placed three committee sign-up sheets on the information table so that volunteers from the industry could participate with the Board.

## DCJS Report

Ms. Lisa McGee, Regulatory Manager of DCJS, gave the Department's report.

Ms McGee reported that the General Assembly Session ended on February 26, 2011. Ms. McGee gave a brief overview of the bills that related to the Private Security industry. The bills included:

**Senate Bill (SB) 1250- Regulation of firearms by state entities.** This bill, introduced by Senator Vogel, prohibited any department, agency or other entities of the Commonwealth from adopting or enforcing any rule, regulation or policy regarding firearms or ammunition. This bill died in committee and was passed by indefinitely.

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**SB 1251 and House Bill (HB) 2032- Electronic tracking devices.** This bill, introduced by Senator Holtzman Vogel and Delegate May, was recommended by the Joint Commission on Technology and Science. The bill made it illegal to place electronic tracking devices on vehicles without the owner's knowledge. This bill had been anticipated and was discussed at the last PSSAB meeting. The House Bill made it through the House and went to the Senate. The Senate Bill was passed by indefinitely in committee.

**SB 1471 and HB 2520- Advisory boards, councils, and other advisory collegial bodies, certain; elimination.** This bill, introduced by Senator Stephen Martin and Delegate Christopher Peace, eliminated certain advisory boards, councils, and other advisory collegial bodies. This is the bill that Chairman DiMartino discussed that would have eliminated the PSSAB. The recommendations came from the Governor's Commission on Government Reform and Restructuring. A substitute bill was passed that did not include the Private Security Services Advisory Board.

**SB 1341- Locksmiths; licensure and registration.** This bill, introduced by Senator Thomas Norment, Jr., transferred the regulation of locksmiths from DCJS to the State Board for Contractors. The bill was passed by the Senate and left in the House General Laws Committee indefinitely.

**HB 2271- Computer and digital forensic services; exempt from regulation as private security service business.** This bill, introduced by Delegate Mark Keam, exempted those engaged in computer and digital forensic services from regulation by DCJS and from registration as a private security business. This bill passed both the House and the Senate.

**HB 2437- Bail bondsmen; regulation.** This bill introduced by Delegate Charniele Herring, provided that a licensed Bails Bondsman shall not charge less than 10% of the amount of the bond or bail bond premium and initially prohibited the financing of a bail bond premium. This bill, as amended, passed both the house and the senate.

The amendment effects professional conduct language in §9.1-185.8 that a licensed Bail Bondsman shall not charge a bail bond premium less than 10% or more than 15% of the amount of the bond. A licensed Bail Bondsman shall not loan money with interest for the purpose of helping another obtain a bail bond. For the purpose of this section a bail bond premium is defined as the amount of money paid to a licensed Bail Bondsman for the execution of a bail bond.

**SB 1163- Criminal Justice Services Board and Department of Criminal Justice Services; powers and duties.** This bill, introduced by Senator W. Roscoe Reynolds, provides for certain powers and duties of the Criminal Justice Services Board and the Department Criminal Justice Services. The bill, under §9.1-150-Monetary Penalty: provides that "Any person *required to be* licensed, certified or registered by the Board pursuant to this article who violates any statute or Board regulation who is not criminally prosecuted ~~shall~~ *be is* subject to the monetary penalty provided in this section. If the Board determines that a ~~respondent is guilty of the violation complained of~~ *such person has violated any statute or Board regulation*, the Board shall determine the amount of the monetary penalty for the violation, which

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shall not exceed \$2,500 for each violation. The penalty may be sued for and recovered in the name of the Commonwealth. The monetary penalty shall be paid into the state treasury to the credit of the Literary Fund in accordance with § 19.2-353.” Ms. McGee stated that this bill gives DCJS authority to go beyond the “cease and desist” order for unlicensed and/or unregistered activity to issuing monetary penalties for regulation violations.

## Firearms Endorsements

Ms. McGee reported that the current Firearms Endorsement application will be revised to more closely align with eligibility requirements. She reported that Code of Virginia §18.2-308 prohibits persons who are acquitted by reason of insanity, adjudicated legally incompetent, involuntarily committed, subject to protective orders, convicted of certain drug offenses with two convictions within 36 months of each other in the last five years from possessing a firearm. She reported that during the criminal history screening process, all firearms endorsement eligibility requirements are considered. These include persons convicted of a felony, domestic violence and juveniles convicted of a felony up to the age of 29.

The current firearms endorsement application does not include questions that capture this information. Revisions to the application will include questions to obtain this information. DCJS will be able to take action when applicants do not respond truthfully to the application questions. The revised application forms should be completed within the next few weeks.

Lt. Branch asked if it would be possible to work with the Virginia State Police (VSP) clearing house to obtain this kind of information. Ms. McGee and Mr. Baker advised that DCJS will inquire about working with VSP to determine what information can be released for firearm endorsement requests.

Ms. McGee stated that if DCJS is aware of any firearm restrictions the applicant’s file is flagged internally should the applicant submit a request for the use of firearms. Additionally, the applicant is sent written notice that based on DCJS’ findings they are not eligible for the use of firearms. This will give them the opportunity to appeal should there be an error on their record or their rights have been restored.

## Registration Cards

McGee reported that DCJS is prepared to propose two separate registrations. An armed registration that must be renewed each year, and an unarmed registration that will continue to be issued for two years. Currently two separate fees, registration and firearm endorsement, are required for armed guards. She explained that the word Armed will be prominent on the front of the new armed registration card so only one card will be required. There will be a single renewal fee of \$20 each year and there is no increase in fees involved. The unarmed registration will be similar to one currently issued. Both of the new cards will have the registration cards listed on the back of the card. The armed registration card will also list the firearms categories on back. The purpose of this amendment is to eliminate confusion and ensure that armed categories complete and maintain compliance. This proposal mirrors the current process used to issue registrations for Special Conservators of the Peace. Ms. McGee circulated examples of the proposed

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cards to meeting attendees. She requested the Board's committees discuss this option and provide recommendations to DCJS based on feedback from the individual industry components.

Ms. McGee reported that there is a need to make a determination about locksmiths carrying or having access to a firearm while performing their duties. DCJS has received questions from the industry and requests for information from the General Assembly about this topic. She reported that the current regulations are written so that any private security registrant that carries or has immediate access to a weapon must have a firearm endorsement. She reported that there is a clear definition for Armed Security Officer, Armored Car and other categories, but not for locksmiths or electronic security personnel. She requested the Board discuss whether or not these individuals should be required to have a firearms endorsement if they carry or have immediate access to a weapon while performing services.

Mr. Baker stated there are concerns about registered individuals who carry or have a concealed weapons permit for personal self protection and have a weapon, access to a weapon or leave it in their car while performing private security related work. Under the current regulations they must have a firearm endorsement. He stated that DCJS has received questions from affected members of the industry and has been contacted by interested delegates. He stated the Board should be proactive about addressing the issue because it will more then likely come up again in the next General Assembly Session.

The Board responded that certainly there should be no questions about it. Ms. Mary Kay Wakefield added that it is clearly defined that if you carry a weapon while working private security you must have a firearm endorsement and you must qualify for a firearm endorsement.

### Re-Proposed Regulations

Ms. McGee reported that the Re-proposed Regulations document is posted on the Townhall and is still under executive review. The document is now at the Governor's Office for approval. If it receives approval from the Governor, it will be posted for public comment for a 30-day period. Hopefully everything will be completed in time for the Criminal Justice Services Board meeting in May. Ms. McGee will notify the Board as soon as there is further word. The document is public and is currently available for review on the Virginal Townhall website.

Ms. McGee reported that DCJS is working with the Deputy Director of the State Corporation Commission and the Assistant Attorney General to address unlicensed and unregistered activity by Locksmiths. They will work with Verizon on locksmith business advertisements in the yellow pages. The Virginia Beach Commonwealth's Attorney office created a public service announcement that will soon air on their local cable television as well as on their website about Locksmiths. They are willing to provide additional public information for Electronic Security and other information beneficial to the citizens of Virginia Beach.

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Mr. Burt Walker, DCJS staff member, is working with Virginia Beach Attorneys on the upcoming 57th Annual Convention of the Virginia Trial Lawyers Association. This year's theme is "Surveillance and Criminal Investigations, Getting the dirt while keeping your hands clean." The Department developing an educational brochure entitled "What You Need to Know before Hiring a Private Investigator" for the convention. The brochure will contain information on licensing and registration to benefit the lawyers and serve as information for citizens that may need to employ a private investigator. Ms. McGee stated that DCJS will continue to explore all means of educating the public on different categories of service.

## Upcoming Training

Ms. McGee announced upcoming DCJS trainings. She advised that all trainings offered through the month of April will be posted on the DCJS website under the Calendar of Events. When classes are filled, they are removed from the website. The PSSAB committee meeting is posted on the DCJS website and on the Virginia Townhall along with the Criminal Justice Service Board.

Ms. McGee stated that there has been a recall on certain lots of ammunition by Federal American Eagles. Information on the recall can be found on the DCJS website. This concluded the DCJS report.

March 4, 2011

Compliance Agent In-service Training, PISA Symposium, Staunton, VA.

March 7-11, 2011

General Instructor Development, Fredericksburg, VA

March 10, 2011

Criminal Justice Services Board- Committee on Training Meeting, Richmond, VA

- Private Security Orientation Presentation and Regulations Update

Criminal Justice Services Board Meeting, Richmond, VA

March 15, 2011

PSSAB Communication Committee Meeting, Richmond Alarm Company, Midlothian VA.

Board Comments:

Mr. Ellis thanked Director Garth Wheeler for accepting the invitation to be the Keynote Speaker at the upcoming PISA conference.

Chairman DiMartino asked Mr. Wheeler if he would like to address the Board and the public.

Director Wheeler's Comments

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Director Garth Wheeler thanked the Board for allowing him and Chief Deputy Director Debra Gardner to attend the meeting. Mr. Wheeler stated that he and Deputy Director Gardner have always had a philosophy of having a team environment and a team oriented agency. He stated that DCJS relies upon their constituents for input, to help deliver the message and to help get their jobs done. He said DCJS cannot do what they are charged to do without the help of the constituents.

Mr. Wheeler shared that when he began at the agency studies were being conducted by the Department of Planning and Budget regarding the agency, the many cutbacks, layoffs and reorganizations. He stated that in less than a year, DCJS had undergone another reorganization, more layoffs and budget cuts. He assured the Board that despite those occurrences, DCJS will continue to provide services. Mr. Wheeler stated that the regulation of Private Security industries belong with DCJS and the two must work together as one. He stated that Private Security and Law Enforcement depend on each other to get the job done. Mr. Wheeler assured the Board that DCJS respects them, values their contributions and expects to continue to maintain a positive working relationship with them. He stated that communication flows both ways and the importance of keeping the lines of communication open.

Mr. Wheeler explained that DCJS works for the Governor and therefore must adhere to established protocols. He encouraged all to work together and use the tools available to get things done. Mr. Wheeler thanked the Board for the work that they are doing.

## Deputy Director Gardner's Comments

Deputy Director Debra Gardner thanked the Board for allowing her to speak to them. She assured the Board that DCJS was aware of their concerns and that efforts are in the works to address those concerns. She advised that a proposal is in the works with a plan to bring in additional staff to help with regulating and investigations. She stated that communication works two ways and DCJS is open to hear both the good and the bad. She asked that Board members and constituents provide suggestions for solutions when bringing their concerns to DCJS. She advised that task forces will be formed with members from DCJS, the Attorney General's Office, the Board and constituents in an effort to bring violators into compliance.

Deputy Director Gardner assured the Board that DCJS is truly committed to working with the industry to provide better services and that they should see some improvements in about six months. She advised that a new website will be launched around March 14, 2011. She stated that DCJS has a public service announcement that promotes the agency and the services it provides. She encouraged the Board to help DCJS to help them.

Mr. Paul Ellis stated that the Board and industry are not able to help or impact their ideas or anything if they do not know what is going on. He encouraged DCJS to ask them and get feedback from the industry on where help is needed. He stated that he is glad that transparency is back.

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Mr. Baker stated that it is a new day, a new administration. He stated that it is a breath of fresh air to have people who are receptive to not being in a box.

Mr. Charles Ciccotti stated that he feels very encouraged with the new Communication Committee and the new administration.

## **Old Business**

### **PSSAB Reference Manual**

Chairman DiMartino stated that some changes need to be made to the PSSAB reference manual. Several comments were made about information contained in the reference manual about the posting of minutes on the website, the procedural manual, and committee meeting minutes. Ms. Wakefield suggested that all of the members read the manual before the next meeting. Ms. Wakefield stated she would like to see a committee formed to make the changes. Chairman DiMartino suggested that the Board reactivate the Legislative Committee. After discussion, it was decided to put it under the Communications Committee. Mr. Turner volunteered to serve on the Committee to work on the project. Mr. Baker advised that the Board could make recommendations to the CJSB for changes it would like to make to the By-Laws.

## **New Business**

Plaques were presented to former Board members in recognition of their service to the Board that stated:

With Grateful Appreciation and Recognition  
for your Outstanding and Dedicated Service  
to the Private Security Services Advisory Board

<b><u>Recipients:</u></b>	<b><u>Board Term</u></b>
Carl D. Armstrong	2007-2010
James A. Cervera	2004-2010
Kevin S. Hodges	2002-2010
John R. Lastrapes	2009-2010
Charles E. Tobin	2005-2009
Dennis A. Van Duzee	2002-2010

Dennis A. Van Duzee was also presented a plaque “In Recognition and Appreciation of Your Contributions as the Chairman of the Private Security Services Advisory Board.” for his leadership from July 1, 2007 to June 30, 2009.

## **Board Comments/ Discussion from the Board:**

Mr. Frank Phillips proposed the agency publishing monthly or quarterly reports of violations and sanctions. He stated it will show the public and practitioners what DCJS is doing. Mr. Baker stated that the Compliance Bulletin that reported this type of activity was stopped due to a recommendation by the PSSAB. He stated the Communications Committee could make a recommendation to bring it back.

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The Board discussed concerns about the timely posting of meeting minutes and posting of the agenda on the Virginia Townhall in advance. Ms. McGee stated that DCJS will assure timely posting of the minutes on the Virginia Town Hall. Mr. Baker stated the he would like to see the agenda developed in advance by the Board and submitted to DCJS for advanced posting on the Virginia Townhall for public view. Comments were made that the Board has difficulty communicating with the industry without the help of DCJS.

Mr. Thomas Turner commended Mr. Robbie Robertson for expeditiously resolving an unlicensed issue. Mr. Turner commented on the communication in the industry as being of a passive nature where people have to seek out the information. It needs enhancing to be more active. The emails received from DCJS are very helpful. Mr. Turner stated that the Board had been quite effective in sending emails directly to the committee members, house of delegate members, state senators and the industry in response to the bill to eliminate the Board and received responses. He stated that they were able to preserve this Board, represent the industry and move on.

The Board discussed the three vacancies on the Board. This topic will be further discussed in the Communications Committee.

Mr. Washburn stated that people in the field do not have the web address for DCJS. He recommended putting the web address in licensing/registration letters. He asked about online licensing for locksmiths and was advised by Ms. McGee that locksmiths can apply online now. He also asked about student locksmiths working to get on the job experience. He state that high school students need a way to work to get training but the way the regulations are written now there is no way for them to do so. Mr. Baker advised this would require a legislative amendment. Possible requirements might be fingerprints, a criminal history check, parent/school permission. Ms. Kim Buckner pointed out that the statute does not have an age requirement; the regulations are where the age requirement is. Ms. Wakefield pointed out that there is an age requirement of 18 for fingerprint results.

Mr. Ellis asked about reciprocity agreements for Personal Protection Specialists. He also asked about unlicensed private investigation work where there is no reciprocity agreement in place. Mr. Baker advised that currently there are no reciprocity agreements in place for personal protection specialists. He advised that the Division would reach out to the Departments Research Unit for additional information nationwide.

## **Public Comments:**

Ms. Nicole Booker stated that she is a private investigator that lobbies on a national level on behalf of the industry. She encouraged attendees to support their industry. She stated that a team environment is needed to support the industry. She encouraged attendees to attend the legislative committee meetings. She also asked the Board if they make recommendations to the CJSB and if they take a proactive role. She expressed her

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concerns about the GPS legislation that was before the General Assembly this session. She stated that there is a need for private investigators to have access to use GPS tracking and that they must convince legislators to pass it.

Mr. Kevin Hodges stated that he was proud of industry's presence in reference to the recent legislative bills. He stated that he is concerned about the legislators and the Governor's Office not knowing what the industry does. He said the Council put out a flowchart to determine what Board and Commissions should be merged or eliminated. He said the flowchart included questions about why the board/committee was established and if the board/committee can demonstrate effectiveness. He questioned who answered those questions for the Council because they were misinformed. He stated that there is a need to communicate and educate the Governor's Office on Private Security's function.

Mr. Stan Cohen stated that Delegate Bill Janis had an impact on the decision to continue the PSSAB. He said that Delegate Janis spoke with Mr. Baker and Ms. McGee about individuals who do not have firearms involved in their registrations on his behalf. He questioned why registrants who are licensed to carry should have any less rights than any other citizens with a carry permit. He said having a firearm in your toolbox while in a customer's home is understandably in violation. But having a firearm in your car while at a customer's home should not be a violation.

Mr. Baker stated the Board could not lobby but can review the legislation and recommend changes.

### **Announcements:**

The next Private Security Services Advisory Board meeting is scheduled for Tuesday, May 17, 2011. The agenda will be distributed at a later date. All meeting information will be posted on Town Hall.

Upcoming meetings:

July 19, 2011

September 2011 (At the Conference) –Date to be confirmed later.

### **Adjournment**

Chairman DiMartino requested a motion to adjourn. A motion to adjourn was made by Mr. Schmitt and seconded by Lt. Branch. The motion carried and the meeting was adjourned.

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## Meeting Attendees

### DCJS Staff

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

### Industry Attendees

Carl Armstrong  
Nicole Booker  
James Cervera  
John Lastrapes  
Charles Tobin  
Dennis Van Duzee  
George Haudicourt  
Kevin Hodges