

DRAFT

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

December 13, 2011
Quarterly Board Meeting Minutes

TUCKAHOE PUBLIC LIBRARY
1900 Starling Drive
Henrico, VA 23229

Call to Order

Chairman Paul Ellis called the meeting to order and on behalf of Private Security Services Advisory Board (PSSAB) welcomed everyone to the meeting.

Roll Call

Chairman Ellis asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with roll call and stated that there was a quorum.

Board Attendees

Paul Ellis, Chairman; Mary Kay Wakefield, Secretary; Chief Craig Branch; Gary Ford; John Hall; Stokes McCune; Seth Oginz; Daniel Schmitt; Thomas Turner; James D. (Danny) Washburn, Jr.

Absent

Nicole Bocra; Charles Ciccotti; Kevin Hodges; Joseph Maslanka; Frank Phillips, Vice Chairman (All absent members submitted notification that they would not be in attendance prior to the meeting).

Approval of Agenda

Chairman Ellis called for a motion to approve the agenda. A motion to approve the agenda was made by Seth Oginz. Chief Craig Branch seconded and the motion carried.

Approval of Minutes

Chairman Ellis called for a motion to approve the minutes from the September 14, 2011 Board meeting. A motion to approve the minutes was made by Mary Kay Wakefield. Chief Craig Branch seconded and the motion carried.

Chairman Ellis welcomed Mr. Gary Ford to the PSSAB representing Locksmiths.

Chairman Ellis requested a moment of silence for fallen Officer Deriek Crouse, killed in the line of duty on December 8, 2011.

Committee Reports**Training Committee**

There was no report.

Communications Committee

Daniel Schmitt requested that the Communications Committee be dissolved as it exists and recommended that there is an elected communication officer of the PSSAB. This officer would be accountable and accessible to all committees. Chairman Ellis will look at the bylaws for any ruling; meanwhile the committee will remain in effect as is.

Mr. Schmitt presented an email marketing cost summary. He discussed moving towards the use of electronic communication methods to assist the Board to be technologically sufficient as these methods exist and are of common practice.

Chief Deputy Gardner stated that DCJS cannot procure with private companies. However, for the purpose of and on the behalf of the Board (not to individual groups) if it can be done within the internal system currently in place-this is something the state may be able to procure the cost. The new My License Office system is capable of sending email notices. DCJS is currently working with the vendors on isolated grouped bulk emailing.

Regulatory Committee

Chairman Ellis presented the committee's minutes. Chairman Ellis reported that the Personal Protection Specialist (PPS) sub-committee's immediate focus is on individuals coming into Virginia from out-of-state, performing unlicensed PPS work. The committee is looking at reciprocity with other states. The 20 people that were in attendance at the sub-committee meeting were given assignments to work on-with some being due by the next meeting.

The main issues of focus are:

- 1099 employees in the Personal Protection Specialist (PPS) field.
- To reduce the licensure requirements of sole proprietors; allowing them to work for a licensed business as a 1099 employee.
- Create national acceptable standards across the field-such as those of the armored car industry.
- Temporary waivers for visiting details with a maximum of 30 calendar days per year.

There are three groups working on these items of concern. Chairman Ellis stated that if anyone was interested in working with one of the groups to please contact Vice Chairman Frank Phillips.

Frank Phillips – Vice Chairman

Personal Protection Specialist Representative

Golden Seal Enterprises, LLC

230 Aviation Drive

Winchester, VA, 22602

Phone: 540.535.7325

Fax: 540.535.2285

Email: fphillips@goldensealenterprises.com

JCOTS Committee Meeting:

Chairman Ellis thanked Leon Baker for attending the JCOTS committee meeting, speaking about the industry and providing information on the DCJS' roles and involvement. Chairman Ellis stated that it appears that JCOTS is working on a bill to limit the use of electronic tracking to issues regarding receiving stolen property or tracking fugitives from justice.

Mr. Baker stated that JCOTS had a proposal of four items submitted by Nicole Bocra including scenarios that would allow Private Investigators to utilize GPS. The Board limited it to those two items. Mr. Baker said that there is a draft bill for submission and Private Investigators will have an opportunity to present their case at the General Assembly.

Chairman Ellis thanked the PSSAB members for their attendance at the Sub-committee meetings. He stated that there were 7 Board members in attendance and thanked Mary Kay Wakefield for hosting the meetings at Richmond Alarm Company.

In closing, the committee discussed scammers, locksmiths and the need to continue to give out public service information on handling scammers.

Chairman Ellis called for a motion to accept the committee reports into the PSSAB minutes. A motion was made by Mary Kay Wakefield. Stokes McCune seconded and the motion carried.

Conference Committee

There was no report available.

DCJS Report

Lisa McGee, Regulatory Manager presented the Department's report:

Ms. McGee greeted the Board and welcomed Gary Ford to the Board.

Regulatory On-line Credentialing System (ROCS)

Ms. McGee reported that DCJS continues to focus on improving the functionality of the Regulatory Online Credentialing System (ROCS), which consists of the combined efforts of DCJS staff/ IT department and the system vendor. WebEx conference calls are being conducted with the system vendor every other Monday to ensure that all incident reports are addressed and resolved. Additionally, a request for another on-site meeting with the system vendor has been made.

- ROCS is a custom made system implemented in compliance with the state enterprising solution for licensing and that DCJS does not have the same control as with Sherlock, the legendary home grown system.
- The system change was inevitable and based on the risk of the previous database crashing due to the huge amount of builds and data stored over the past 15 years.
- While the ROCS is not functioning at full capacity DCJS will continue to work with the vendor to correct the issues and/or provide system enhancement(s).
- A new build to the system is expected that will incorporate some of the already requested enhancement(s). The Board will be updated as information becomes available from the system vendor.

Ms. McGee reported that the following new options have been implemented on the DCJS

website under Regulatory Affairs' quick links:

- “Check Your Application Status” – where you can now check on pending applications.
- “Obtain DCJS 99#s”- where you can now obtain 99#s of individuals already in the system by entering the individual’s social security number. If the individual is not in the system a message will appear advising that there is no record of the individual.

Ms. McGee reported that DCJS has a good history of timeliness in issuing credentials and is striving to get back to this point. Ms. McGee further stated that while DCJS continues to receive a very high volume of telephone calls and emails DCJS is quickly addressing them while maintaining the ongoing services.

Ms. McGee reported that a request for temporary staff has been made to assist in alleviating some of the customer service concerns while working through the transition. Ms. McGee also reminded the Board to continue to submit question(s) and/or observation(s) in writing to Lisa McGee and Leon Baker for reviewing and submission to the vendor when necessary.

Investigations

Ms. McGee provided the following investigation information for calendar year 2011:

- Case intake opened 369 cases
- 225 investigation reports completed
- 120 consent orders issued
- Adjudication closed 237 cases

Special Conservator of the Peace (SCOP)

In the September 14, 2011 PSSAB meeting Mr. Baker advised the Board of the discussions with the Supreme Court regarding misapplication of the Virginia Code as it relates to who can become an SCOP. Currently there are companies, training schools and individuals inconsistently writing their own orders, submitting them to the courts and getting them approved.

The concept for SCOP was that a police chief, sheriff or business would petition the courts to appoint SCOP’s for a specific public safety need. DCJS met with the Supreme Court and agreed that a general petition and appointment order be developed for those wishing to be an SCOP and for use by all jurisdictions. This should allow for consistency throughout the Commonwealth Courts as well as aid the judges in properly issuing SCOP appointment letters.

Ms. McGee reported that the form has been developed and is currently being reviewed by DCJS. Ms. McGee provided a draft of the petition/appointment form for the Board to review and welcomed any comments and/or concerns via email from the Board members once they have had the opportunity to review it.

DCJS is also working with the Supreme Court to be involved in some of their training with the

magistrates and court systems to enable them to educate the jurisdiction in what DCJS does and what an SCOP should follow to stay in compliance with the statutes and regulations.

Regulations

The Private Security Services regulations are still pending in the Governor's office. No update.

Training

Compliance Agent and Instructor training schedule through May 2012 is available on the DCJS website.

General Assembly

The Virginia General Assembly Session convenes on January 11, 2012 and will end March 11, 2012:

- Pre-filing of bills began November 21, 2011 – January 11, 2012
- The last date to introduce bills is January 20, 2012
- Crossover occurs February 2012
- Reconvene session is April 18, 2012 (if necessary)

Legislative Action

Ms. McGee provided a brief overview of the legislative process and role of the Department during the General Assembly.

The Process

Bills are introduced by members of the General Assembly, referred to a committee; committee may assign them to subcommittee; subcommittee hears and votes on bill(s); forward recommendation to the full committee who will at this point vote on the bill.

Crossover

Any bills that survive the first session will crossover to the other house, once passed by both houses they are enrolled and sent to the Governor, the Governor reviews and signs the enrolled bills and recommends amendments or veto. During the reconvene session the General Assembly considers the Governor's amendments; they either accept or reject the amendments or try to overturn the veto. The new laws signed by the Governor will go into effect July 1st of the General Assembly year unless there is an emergency enactment.

DCJS' role

DCJS meets every morning to review any bills introduced for that day that could affect the agency and/or its constituents. DCJS will notify the PSSAB of any bills that may affect the industry and ask for Board comments as one body. The Department has 24 hours to present input to Administration. DCJS attends all committee meetings and will provide factual information when asked.

DCJS will contact the Board on bills that they are aware of and asked that if the Board and/or

constituents would inform them of any bills that they are aware of that may impact the industry and DCJS will present it to the Administration.

Legislation can be tracked by following the link <http://LIS.virginia.gov> where you will find all the bills and resolutions as well as meeting agendas, dates and times and activity. The committees and subcommittees meet on state holidays (January 13 and 16th, February 20th), during inclement weather and possibly on weekends. The meetings begin before 8:00a and will continue past 5:00p.

This ended the DCJS report.

Chief Deputy Debra Gardner

Chief Deputy Gardner announced her new appointment as Chief Deputy at the Department of Corrections effective Monday, December 19, 2011. Chief Deputy Gardner expressed how pleased she is with the partnership and the work of the PSSAB and DCJS.

Chief Deputy Gardner will share with DCJS' incoming Chief Deputy Drew Malloy the importance of participating in the PSSAB quarterly meetings.

New Business

The Board discussed the following topics:

The Board recognized RMC for their involvement in the security support provided at the funeral for fallen Officer Deriek Crouse, killed in the line of duty on December 8, 2011.

The Campus Security Officer Program requires that proprietary and contract security officers working on college campuses must be in compliance with the program by January 31, 2012. The programs training schedule is posted on the DCJS website at www.dcjs.virginia.gov under training and events - campus safety.

There is a statewide badge and credentialing system to control access to an area during a crisis or disaster. Talks about where security and electronic security fall in the tiers of access and identifying them during a time of crisis or disaster and obtaining authorizations. Security is tier one on all the modules.

DCJS recognized for diligently working on solutions to the technical difficulties during the transitioning to ROCS.

Board Comments/ Discussion from the Board

Mr. Gary Ford

Mr. Ford commented on the unsuccessful attempts to control the unlicensed activity of Locksmiths throughout the Commonwealth of Virginia as well as the United States and its impact on the industry.

Mr. Leon Baker

Chief Deputy Debra Gardner and Division Director Leon Baker met with Commonwealth Attorney Harvey to discuss and obtain ideas to address and communicate to the community about the continued unlicensed activities of locksmiths.

The goal is to prompt more task forces and make headway to abolish unlicensed activities in the Commonwealth of Virginia and educate the consumers on what to ask for when hiring and/or purchasing locksmith services.

In an effort to address the main locksmith concern it was suggested that Locksmith members establish a referral service to provide consumers with information on those licensed, registered businesses and/or individuals.

Mr. Tom Turner

Mr. Turner suggested that the locksmith industry reach out to the Law Enforcement Agency to assist in raising public awareness of the unlicensed locksmith activity and scammers.

Public Comments:

Stanley Corn

Mr. Corn commented that he tried to get congress involved in taking a look at those who are involved in communications. Communication will go back to hand held radios during natural or man-made disasters when there are power outages.

Mr. Corn stated that there is still the unsettling concern of carrying a concealed weapon in the performance of duty or en-route to perform a job and equal rights to do so.

Lynn Comer

Ms. Comer asked about the status of involving law enforcement in supporting the quest to deal with and control scammers.

Mr. Baker responded that that law enforcement is involved in cases where individuals are breaking the law and not in compliance. Mr. Baker said that once it is turned over it is up to law enforcement whether they want to act on.

Ms. Comer commented that the FTC came out with an article on industry standards for electronic security and suggested that locksmiths reach out to the FTC for assistance.

Announcements:

The next Personal Protection Specialist meeting will be held on Wednesday, March 7, 2012 at 2:00p.m. in Winchester.

The next two Board meetings are scheduled for Tuesday, March 13, 2012 and Tuesday, June 12, 2012.

Adjournment

Chairman Ellis called for a motion to adjourn the meeting. A motion to adjourn was made by Dan Schmitt. John Hall seconded and the meeting was adjourned.

Meeting Attendees:

DCJS Staff

Debra Gardner, Chief Deputy Director
Leon Baker, Division Director
Lisa McGee, Regulatory Manager
Brenda Cardoza, Administrative Specialist

Industry

James Booth
Lynn Comer
Stanley Corn
Chris DiMartino
Bill Hemminger
Clinton Leeper
Dianne Rust
Bill Scouten
Scott Stinnet

PSSAB Sub-Committee Meeting Minutes
30 November 2011

Number in Attendance – 22

Location – Golden Seal Enterprises Inc, Winchester, VA

Committee Chair - Frank Phillips

Vice Chair - Andrew Hunt

Secretary – Clinton Leeper

DCJS Representative –Mr. Leon Baker

Meeting commenced at 10:05am

Meeting ground rules established

Sub-committee objectives/goals established

Issues addressed –

1. Keeping working/visiting PPS details to Virginia in compliance with DCJS.
2. Creating ways for working/visiting PPS details coming into Virginia to be compliant.
 - How do we make it achievable for internal (U.S. Based) transient protective details to maintain DCJS compliance?
 - Note: This process shouldn't be so difficult as to de-motivate individuals from seeking compliance.
 - a. How do we make it achievable for international details to become and maintain compliant.
3. How to keep working/visiting Armed PPS Agents in Virginia compliant.

Opening Questions -

Q - Has anyone checked with other states to see if these same issues are being addressed?

A - At the International Association of Security and Investigative Regulators (IASIR)

Conference this same question was addressed and no information could be provided to show that it has. Furthermore - 34 states have regulations for Private Investigators and of those only 10 had reciprocity agreements.

Q - Have any states developed or started reciprocity agreements for VA PPS to travel to their jurisdictions?

A - No, but it since it is something we are initiating, we may be able to carry this over to other states for their review. Begin on our end.

Q - Has anyone asked other entities about their processes in dealing with transient PPS?

A - Everyone is not on the same track as us, so there are no specific or predetermined paths or processes we can follow.

Q - Do any of our recommended changes need to go through the VA General Assembly?

A - If they are code changes, yes.

Q - If training requirements are the same for another regulatory body, could a temporary waiver be issued?

A - Yes, if the appropriate changes are made.

Q - How would the National Concealed Carry affect DCJS Enforcement?

A - It would not. There is already a large current reciprocity agreement between many of the states. Furthermore it would only apply to regulated activity such as an individual working in a manner that is regulated by DCJS.

Q - How many registered Armed PPS are there in Virginia?

A - Approximately 580.

Q - Would it be beneficial to use entities such as the International Chiefs of Police as advocates for the benefits of adopting new PPS regulations?

A - Yes, we should look to include Corporate and Individual entities that are on the same page for assistance in adopting new regulations and possibly creating a national PPS standard. We should also consider the development of a Virginia Association for PPS agents.

Suggested Possible Solutions -

1. Reduce the licensing requirements for sole proprietors of PPS (similar as proposed for locksmiths). This would allow the one man shop to act in compliance at a lesser cost and legally subcontract.
2. 1099's are already being address by another subcommittee. Please note that any changes being proposed cannot negatively impact state revenue.
3. Require the out of state or international detail to hire a "VA DCJS Compliant Sponsor Company". This would allow the primary visiting/working agent to stay with the Principal while utilizing local/regulated agents as surrounding entities (ex. Drivers, Advanced Part, etc.). Everyone benefits from this; state, VA company and the visiting detail.
 - a. Who assumes the liability for visiting/working agents would have to be addressed.
4. Consider paralleling the Armored Car industry as it pertains to the PPS industry and creating a national acceptable standard valid in all 50 states.
5. Temporary Waivers for visiting details - maximum of 30 calendar days per year. This could be done on-line directly with DCJS.

Established Working/Information Groups -

- Gary Bennington, Karl Van Zandt, Thomas Moore -
 1. Addressing Non- registered armed agents working in Virginia.
 2. What would be minimum acceptable training standards for a temporary waiver?
 3. What are other state requirements for PPS?
 4. How do we ensure standards are not lesser for out of state persons than in state registered persons?

- Terri Oguz, Ron McKown, Andrew Hunt, Margaret Kerr-McKown -
 1. Other ways for Transient working/visiting details to maintain compliance within Virginia.

- Greg Threatt, Peter Higgins, Robert Sherretta -
 1. Development of a National PPS Standard.
 2. Parallel Armored car as a template.

Associations Present and Represented –

Private Investigators Association of Virginia - www.piava.org

Professional Investigators and Security Association - www.pisa.gen.va.us

We ask for your participation in the development of these beneficial changes in your industry. Let's keep the momentum going. We'll arrange our sub-committee meetings a week prior to the PSSAB meetings so that we can report to the PSSAB and we look forward to seeing you all at the PSSAB meetings as well.

Meeting adjourned at 1:00pm

Next Meeting Date

Wednesday, March 7th 2012 at 1000
Golden Seal Enterprises, Winchester, VA