

DRAFT

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

March 13, 2012

Quarterly Board Meeting Minutes

HOLIDAY INN CROSSROADS

2000 Staple Mills Road

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; Nicole Bocra; Chief Craig Branch; Charles Ciccotti; Gary Ford; John Hall; Kevin Hodges; Stokes McCune; Seth Oginz; Daniel Schmitt; Thomas Turner; James D (Danny) Washburn, Jr.

Absent

Joseph Maslanka; Frank Phillips, Vice Chairman; Mary Kay Wakefield, Secretary; (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 request to make an amendment to the September 14, 2011 minutes was entered. Commonwealth Attorney Harvey was amended to Commonwealth Attorney Harvey Bryant, III. A motion to approve the minutes was made by Nicole Bocra. Chief Craig Branch seconded and the motion carried.

Committee Reports

Personal Protection Specialist Committee

Chairman Ellis reviewed the committee minutes of the November 30, 2011(attached to December 13, 2011 PSSAB minutes on DCJS website) and March 7, 2012 meetings.

The main issues that were looked at in the November 30, 2011 meeting are:

- Bringing PPS workers in compliance
- To reduce the licensure requirements of sole proprietors; allowing them to work for a licensed business as a 1099 employee.
- Keeping working and/or visiting Armed PPS Agents from conducting unlicensed activities in the state of Virginia.
- Prevention, public communication and education; by proactively ensuring that the public is aware and understands the licensing requirement(s) and process(es). Equip the public

with tools, resources and Single Point of Contact (SPOC) information.

- The consensus of the PPS subcommittee is that they are not in favor of 1099 employment as the way to go. The subcommittee is more in favor of individuals working in compliance with the Private Security Regulations as set forth and maintaining public safety.
- Discouraged by those who are able to conduct unlicensed activity without coming into radar of enforcement.
- Temporary waivers for visiting details with a maximum of 30 calendar days per year-the consensus is NO to this, compliancy must be enforced and the burden not lessened for those entering the state of Virginia and working illegally.
- Reciprocity; worked on looking at the requirement(s) of other states and target those with reciprocity agreements in place. Florida and Texas are states to reach out to.

The next all Committees' meeting is scheduled for May 15, 2012-assignments have been distributed.

Training Committee

Chairman Paul Ellis reported that the Training Committee is in the process of creating a working group to look at online learning's growth, its effect on the industry, how to best regulate it and bringing everyone in compliance. Ensure that online learning meets the needs of public safety.

Chairman Ellis stated that the work group will review the regulations relating to SCOP and its training with an anticipation of reintroduction of these regulations. There is no opening date for this yet. A committee will be formed to research the concerns prior to the opening date, to make available the main topics when presenting the Notice of Intended Regulatory Actions (NOIRA). This topic will be held for further discussion during New Business.

Communications Committee

There was no report available.

Regulatory Committee

Gary Ford

Mr. Ford reported that there is a gentleman from the Williamsburg area who for the last three years has tried to change Locksmith from DCJS regulation to (DPOR) Department of Professional and Occupational Regulation. The bill was introduced and passed through the senate in 2011. However it did not pass through the house. The bill was introduced again in 2012 and went down in the sub-committee.

Nicole Bocra

Ms. Bocra reported that Delegate Joe Mays introduced the GPS tracking bill 807 which would not allow Private Investigators to use GPS or electronic tracking systems to monitor individuals. One case where a husband and wife were going through a divorce and the husband picked up

their daughter from school on an unscheduled day. The state police tracked him going north on I95. Airport officials notified the state police that the husband had purchased one-way tickets for him and the daughter to leave the U.S. A. to travel to another country. This was presented to JCOTS. JCOTS approved it, sent it forward with a few NOs and Delegate May introduced it into the 2012 session. The bill went forward without an exemption of Private Investigators. The bill passed the house and was stopped on the senate side.

Ms. Bocra thanked Mr. Leon Baker for his attendance to several meetings in support of the Private Investigator industry

Ms. Bocra stated that through the leadership of IFPLA which is a national organization, PIVA and PISA hired the services of James Tooley acting lobbyist on the behalf of Private Investigators. Mr. Tooley monitored the legislation, built relationships and was able to make things happen in the Senate and with the Delegates. The tracking bill was passed by and Delegate May had it reintroduced on February 20, 2012. Delegate May requested reconsideration of the bill. The Senate recommended the bill be restudied. The bill will be studied again this summer 2012.

Ms. Bocra also reported that the bill for outside contractors as contracted through P.I. legislation was introduced through Senator Janet Powell, Northern Virginia. This bill was passed by with a decision to further study it, to determine how it will affect Commonwealth of Virginia.

Ms. Bocra stated that several industry representatives have reached out to her in reference to forming a coalition between private security to monitor legislation and develop a relationship with the Delegates, Senators and Private Security Services' representative(s). Ms. Bocra stated that there are talks of bringing James Tooley on fulltime to represent the private security industry.

Ms. Bocra stated that the Private Investigators want to make a difference by making their presence known throughout the legislation.

Chairman Ellis stated that it has been confirmed that out-of-state companies contracting with properly licensed in-state companies can be looked as a client and not as an entity requiring licensing through DCJS. However, the definition of soliciting was tabled but will come up again for review.

Stokes McCune

Mr. McCune reported that there are concerns in the industry that clients are unable to collect forfeitures from Property Bondsmen. Mr. McCune stated that the bill was misrepresented by an insignificant part of the bail bondsman industry. He said that a Virginia Beach delegate brought the bill forward. The bill was killed by the subcommittee. However, we will work with the clerks statewide to assist with the forfeitures. Mr. McCune stated that there are bail bondsmen who are falsifying their collateral.

DCJS Report

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

Ms. McGee regretfully reported that Kim Simon (formerly Kim Buckner) accepted a position with the Rappahannock Regional Criminal Justice Academy in Fredericksburg, VA. Ms. McGee stated that Ms. Simon would notify instructors of her new contact information.

Ms. McGee advised that the Criminal Justice Training Coordinator position would be filled as quickly as possible. Ms. McGee assured the continuity of the responsibilities and processes entailed within the realms of the Training Coordinator role by utilizing DCJS staff.

Ms. McGee stated that she and Mr. Baker would conduct the Compliance Agent In-service training at the upcoming March 23, 2012 PISA Symposium. Ms. McGee assured the continuity of training processes and that there would be no class cancellations at this time. Ms. McGee stated that the currently scheduled Instructor Development class is being conducted by Ms. Simon at the Rappahannock Regional Criminal Justice Academy.

General Assembly

HB 174 Bail bondsmen; requirements for property bail bondsmen, suspension of license. Provides that a property bail bondsman or his company must own the real estate that serves as the collateral on his bonds. The bill also provides that a property bail bondsman shall not enter into a bond if the penalty of such bond and all other outstanding bonds for which he is liable exceeds the true market value of the equity in the real estate. Current law provides that such penalty for which the property bail bondsman is liable cannot exceed four times the true market value of the equity in the real estate. The bill further provides that a property bail bondsman's license shall be suspended if he has not paid any forfeiture of bond within 60 days after notice of a final court order. This bill did not pass.

DCJS has recently been inundated with forfeitures that had not previously been received by DCJS from the court(s). In an effort to expedite the process all forfeitures are being forwarded directly to enforcement. DCJS is ensuring that the violator(s) are sanctioned.

HB 174 provides that a property bail bondsman's license shall be suspended if he has not paid any forfeiture of bond within 60 days after notice of a final court order. This is the action that DCJS is taking.

A bondsman is required to pay forfeiture upon final order of the court. Should a bondsman fail to pay a forfeiture, DCJS receives notification from the court and the case is adjudicated. Following adjudication a consent order is issued for failure to pay the forfeiture within the 60 days-allowing the bondsman an additional 30 days to satisfy the forfeiture. Should the bondsman fail to pay the forfeiture within the 30 days of the consent order their license may be suspended until it is paid. This is an administrative process and has no impact on the investigators.

DCJS tracked all bills-they stayed in committee, were stricken or laid on the table.

HB 1291(not anticipated); **The Governor's reorganization of executive branch of state**

government. The bill went to conference and the amendments have placed two agencies responsible for **tow truck drivers (anyone who drives a tow truck)**. Effective January 1, 2013 DCJS will assume regulatory authority ONLY over the fingerprint based criminal history checks for tow truck drivers. There are standards of conduct established in the Code that will be overseen by the new Division of Consumer Council of the Attorney General's Office where all complaints should be submitted. The Division of Consumer Council Services will submit any civil judgments to DCJS. DCJS has the authority to revoke or suspend. There no investigations required and it will not have any impact on the Enforcement section. It will impact Adjudication should it reach the point of revocation or suspension of a license or registration.

Restrictions

- Conviction of any crime for which an individual must register as a sex offender
- Conviction of a violent crime as defined in Code Section 17.1-805
- Conviction of any crime involving the operation of a tow truck to include drug or alcohol offenses; traffic infraction convictions are not included

Note: There is/are NO conviction waiver(s) allowed-a license will NOT be issued to any individual convicted of any of the above offenses.

There are approximately 4,800 tow truck drivers to which a 2 year registration may be issued. Those maintaining the registration will be required to submit fingerprints every 2 years. DCJS is hoping to hire additional staff to handle the increase of responsibility.

Committee Meeting

At the December 13, 2011 PSSAB meeting the Board discussed moving towards electronic communications as well as becoming technologically sufficient as these methods exist and are of common practice.

DCJS is pleased to announce that effective Friday, March 9, 2012 the new My License Office system went live with electronic notification. This system will allow DCJS to notify any regulated groups/individual registrants with valid email addresses on file. The system is capable of sending text ONLY (no attachments). The PSSAB webpage is available where any notices sent on behalf of the Board can be sent in text version or linked to a nicer version, notice or bulletin. DCJS is currently working with the vendors on isolated grouped bulk emailing. Anything posted on this page must receive prior approval from the Chairman and/or his designator along with review by the Department.

Regulatory On-line Credentialing System (ROCS)

Ms. McGee reported that there have been improvements made to the system. DCJS continues to troubleshoot any outstanding issues through the vendor. Ms. McGee provided system progression statistics from the beginning of the process to output of finished product:

- September 2011 (roll out) average of 50 days to issue a photo ID card
- February 2012 it took an average of 9 days to issue a photo ID card
- March 2012 it took an average of 3 days to issue an ID card.

This shows a huge improvement in the turn-around time for card issuance. Currently, there are no numbers available for online usage.

The Business and school licensing have been pulled off line due to functionality issues. Currently these are still manual processes. These features should be in full operation within the next 30 days. DCJS is still receiving calls from Board members and companies with end users issues and concerns. Please continue to do so as this helps DCJS in addressing and identifying issues specific to end users.

DCJS is considering compiling an end user training. DCJS will meet with compliance agents and/or instructors to discuss their concerns and ensure that they understand the systems functionality and capabilities.

The Department is concerned with the amount of applications and fees are being submitted however the training requirement(s) are not being met. DCJS will meet with Compliance Agents to ensure that Compliance Agents are verifying that all employees have a valid registration on hand and if not that the Compliance Agent contact DCJS or go directly to the verification system on the website to find out what requirements have not been met for obtaining a valid ID.

DCJS investigators' core focus is on auditing for compliance as there are far too many individuals working without a valid registration license. Beginning in July DCJS is turning up the volume on unlicensed activity throughout the Commonwealth of Virginia. Each individual is responsible for maintaining a valid registration and the Compliance Agent is responsible for ensuring the compliance of ALL employees of the company.

DCJS continues to receive a high volume of calls however we have experienced a decrease from the volume being received in the last quarter of 2011. DCJS is seeing an improvement. With the help of the Compliance Agents and the schools more improvements should be seen.

Ms. McGee reminded the Board members and attendees to utilize the following options on the DCJS website under Regulatory Affairs→Online Services:

- “Individual Verification” –provides active information
- “Check Your Application Status” – where you can now check on pending applications online as well as by phone **804-786-1132** or **1-877-9STATUS** (when dialing long distance).
- “Obtain DCJS 99#s”- where you can obtain 99#s of individuals that are already in the System, by entering the individual’s social security number. If the individual is not in the system a notice will appear advising that there is no record of the individual.

Telephone Voicemail System

Due to the high volume and duplicate voicemail messages from registrants calling during non business hours and again during business hours Staff were being pulled away from their daily responsibilities to retrieve and return voicemail messages.

In an effort to manage and provide timely responses (within 24 hours) to voicemail messages DCJS has eliminated the option to leave voicemail messages after business hours, weekends and on State observed holidays. DCJS has not received any complaints about this change.

Old Business

ROCS

- There were incidents of several fingerprints missing from November 11 2011, unclassifiable letters dated January 6, 2012 mailed out by DCJS but not received and the individuals subsequently received their registration cards.
- The Board would like an update from DCJS of the outcome of the above issues and how DCJS resolved it.
- Since the January 6th issue DCJS has caught up and continues to move the processes forward.
- Initially, the processing time tripled which caused a tremendous set back for DCJS and its customers.
- ROCS expeditious turn around is credited to the dedicated work of the DCJS staff and not so much that ROCS is properly functioning. ROCS is still experiencing technical difficulties.

Public Awareness

Regular public communications on unlicensed activity; DCJS will work with Law Enforcement Representatives in raising public awareness of unlicensed activity throughout the private security industry.

The set timeline for the rebirth of the quarterly publication is 1st quarter 2012. DCJS is on target for meeting the deadline.

SCOP

Per the December 13, 2011 PSSAB quarterly meeting, 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.

A form had been developed and was currently being reviewed by DCJS. Ms. McGee provided a draft of the petition/appointment form for the Board to review and welcomed any comment(s) and/or concern(s) via email from the Board members once they had the opportunity to review it.

SCOP update:

The understanding is that the Supreme Court has disseminated the form but cannot require that it be used. There has not been any input received back from the jurisdiction. DCJS will do the follow up on the status of the dissemination of the form.

New Business

At the Training Committee and the Regulatory Committee meetings it was mentioned that DCJS would look at re-opening the SCOP regulations due to past discussions of SCOP scrutiny. The PSSAB would like to establish a subcommittee to address the concerns, changes and alignment with the SCOP vision. The meetings would be scheduled along with all other PSSAB committee meetings. This should be included in the first communication publication.

Richmond needs lobbyist efforts to support the private security industry in “making a difference”.

Board members expiring in June:

Nicole Bocra – P.I. Representative and Regulatory Committee Chairperson

Craig Branch – Law Enforcement Representative

Gary Ford- Locksmith Representative

John Hall – PSS Business Representative and Training Committee Chairperson

Stokes McCune – Bail Bondsman Representative

James “Danny” Washburn-Locksmith Representative

Chairman Ellis would like to see some of the quarterly PSSAB meetings held in venues outside of the Richmond area to seek out public participation and feedback from individuals throughout the state of Virginia.

Board Comments/ Discussion from the Board

Electronic Communication

Daniel Schmitt

Mr. Schmitt inquired about an expected timeline for turn-around on submission of electronic communication after received by DCJS.

Mr. Schmitt stated that the preference of acceptance would be by Ms. Cardoza and EXCLUSIVELY from the Chairman and his designee(s) to ensure consistency in communication. The Board will provide DCJS with the information on the designee(s).

Mr. Schmitt recommended that a dedicated monthly communication tool be established where quarterly PSSAB meeting information, committee meeting information and any other industry related information can be announced.

Mr. Schmitt recommended that the first piece of communication should be a welcome message, introduction of Board members and contact information for the constituents’ industry representative(s).

Leon Baker

Mr. Baker stated that the turn around time should be within 24 hours depending on the workload and availability of the DCJS webmaster. Brenda Cardoza will be the (SPOC) Single Point of Contact for electronic communication. Ms. Cardoza will obtain approvals from Mr. Baker, Ms.

McGee and forward to the DCJS webmaster.

Mr. Baker stated that any communications from the industry must be channeled through the Board.

Lisa McGee

To better assist the Board in specific group emailing Ms. McGee will send the Board a summary of DCJS categories and names of those who populate the categories.

Ms. McGee stated that although attachments cannot be sent via mass emailing, links can be attached to follow to an attachment.

Ms. McGee stated that DCJS has a tool for sending out assessment surveys to the constituents.

DCJS can request that registrants provide their email addresses however DCJS cannot mandate this. Email addresses are not required. It is in the regulation to provide an email but it is not a violation if it is not provided.

Public Comments:

No public comments.

Announcements:

- (PISA) Professional Investigators and Security Association Symposium
Ramada on the Beach
615 Atlantic Avenue
Virginia Beach, Virginia 23451
March 23-25, 2012
- The next PSSAB meeting is scheduled for Tuesday, June 12th in the Richmond area.
- The next PSSAB Committees' (all committees) meetings are scheduled for Tuesday, Tuesday, May 15, 2012 at OminiPlex, 14151 Park Meadow Drive #300, Chantilly, VA 20151.

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

Leon Baker, Division Director

Lisa McGee, Regulatory Manager
Brenda Cardoza, Administrative Specialist
Robbie Robertson, Investigator
Jeff Scott, Investigator
Burt Walker, Investigator
Art Wells, Investigator

Industry

Jeff Cathcart
Jennie McLamb