

# **DRAFT**

**Commonwealth of Virginia**

**PRIVATE SECURITY SERVICES ADVISORY BOARD**

September 14, 2011

**Quarterly Board Meeting Minutes**

**SHERATON OCEANFRONT HOTEL**

3501 Atlantic Avenue  
Virginia Beach, VA 23451

**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 called roll.

**Board Attendees**

Paul Ellis, Chairman; Mary Kay Wakefield, Secretary; Nicole Bocra; Charles Ciccotti; John Hall; Kevin Hodges; Seth Oginz; Daniel Schmitt; James D. (Danny) Washburn, Jr.

**Absent**

Lt. Craig L. Branch; Joseph Maslanka; Stokes McCune; Frank Phillips, Vice Chairman Thomas Turner

(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 Mary Kay Wakefield. Dan Schmitt seconded and the motion carried.

**Approval of Minutes**

Chairman Ellis called for a motion to approve the minutes from the July 19, 2011 Board meeting. A motion to approve the minutes was made by Mary Kay Wakefield. Kevin Hodges seconded and the motion carried.

Chairman Ellis requested a change to the agenda: to present the DCJS report before the committee reports. Mr. Baker accepted the request.

**DCJS Report**

In the absence of Lisa McGee, Regulatory Manager of DCJS, Leon Baker, Division Director gave the Department's report.

Mr. Baker began the DCJS report with welcoming everyone to the Conference and an introduction of the 3 new Field Investigators:

Investigator Bryan Carver – Tidewater region

Investigator Jeff Scott – Northern VA region

Investigator Art Wells – Northern VA region

**Regulatory On-line Credentialing System (ROCS)**

Mr. Baker reported that the Regulatory Online Credentialing System (ROCS) launched as scheduled on September 6, 2011. Mr. Baker stated that this was the first stage of rollout and that it will take patience as we go through additional conversion issues and enhancements.

Mr. Baker added that Division staff worked diligently and long hours to make the rollout happen and are continuing steadfastly in working out the technical difficulties being experienced.

The following information was provided:

The Department of Criminal Justice Services embraces change to better serve our constituents while at the same time keeping our core principals constant and utilizing guiding principles to facilitate long-term planning:

- High Performance
- Customer Service
- Outward Focus
- Reduce Burden (both internally and externally)
- Staff Productivity
- Information Availability

To keep aligned with emerging technology and continue to offer better service to the regulated communities, the Division of Regulatory Affairs launched an enhanced web-based application system and internal database as a tool to better serve the needs of the constituents with access to information regarding licensing, certification or registration in the following programs: Private Security Services; Bail Enforcement Agents; Bail Bondsmen; and Special Conservators of the Peace.

Our new Regulatory Online Credentialing System (ROCS) went live on September 6, 2011 as scheduled, and replaced the Watson on-line system. The intent is to transition to using ROCS with minimum inconvenience to you (end user), in turn, allowing us an opportunity to better anticipate and respond to needs during the implementation phase.

- The system is set up where we can communicate the current status. Temporary Registration letters will automatically be emailed to those with valid email addresses on record.
- 24 hour access to the program.
- Marrying up the expiration dates and extending to the last day of the expiration month.
- The system is designed to track your employees by name, city and state. Individual status can be verified through Individual Verification.
- Access to generate a list of Private Investigators (or other credentials) or use the application to download the information in an excel spreadsheet for a fee.
- Constituent records were out growing the Sherlock database and the system eventually would have crashed.

Mr. Baker further provided that the basic My License Office program has applications that can be utilized by other Divisions. Some of the other databases in the Department are for Crime Prevention Specialists, School Security Officers, and Campus Security Officers and are kept in individual databases and easily run by IT.

#### Firearm Endorsements

The Department is no longer issuing a separate firearm endorsement card. There is one card for an armed registration. The Department married the expiration dates of active firearm endorsements and registrations and some credentials resulted in an extension of either the firearm endorsement date or the registration date.

#### Subcontracting

Mr. Baker discussed the issue of accepting job contracts from unlicensed entities primarily out of state. He advised that the Department received legal guidance supporting that an out of state business contacting a licensed business in Virginia is no different than an individual contacting a Virginia licensed business to do the work. Anyone doing the actual work must be licensed and registered to do so.

In regard to companies bidding on contracts within the Commonwealth, Mr. Baker reported that the Department's interpretation has been that you cannot bid on a contract without a valid license. The Virginia Code requires that you must have a DCJS business license to solicit or engage in private security services business. The Department's was advised that bidding on a contract is not considered soliciting. The Virginia Code is silent on whether bidding on a contract is a violation.

Director Garth Wheeler will be asked to request the Attorney General's formal opinion of soliciting vs bidding vs engaging in regulatory programs that require licensing. In the meantime, Mr. Baker advised that it is not considered a violation to contract with an out-of-state business requiring services in Virginia as long as the company accepting the contract is properly licensed to do so. Additional information in regard to the Department's interpretation will be provided for needed clarification.

Ms. Nicole Bocra congratulated DCJS for obtaining guidance from the Attorney General's Representative on this important matter.

#### Special Conservator of the Peace (SCOP)

Mr. Baker discussed the concern of misapplication of the Virginia Code as it relates to who can become an SCOP. Currently, there are companies, training schools and individuals 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 is in agreement that a model petition and appointment order should be developed for those wishing to be SCOP.

### Virginia Beach Commonwealth Attorney

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 and electronic security summer sales scams.

Commonwealth Attorney Harvey will provide copies to the Department of their public service announcements for sharing with the constituents. Mr. Harvey extended an invitation to the next Commonwealth Attorney's Conference to discuss unlicensed activities of locksmiths, electronic security summer sales and club/bar bouncers. This invitation will afford an opportunity for Virginia Beach and DCJS to present the benefits and results of the task force activity currently being conducting by members of DCJS, ABC, fire marshals, tax departments, health departments, law enforcement, cities, commonwealth attorneys, etc. 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 these types of 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.

### Regulations

The Private Security Services regulations are still pending in the Governor's office.

### Training

Ms. Kim Buckner provided the Department's training report. Ms. Buckner stated that in addition to training she is able to provide a two- fold inspection process for new schools:

1. To go over requirements and procedures with owners, school directors and assistant directors such as use of the system, communicating with DCJS and finding information.
2. To meet and greet new school owners and instructors to ensure compliance by reviewing curricula, assuring complete lesson plans, performance objectives and that exams are in place.

Ms. Buckner stated that she is now able to do training session inspections ensuring that training is being conducted according to regulation as well as provide assistance in areas of need, answer questions in real time and work with investigative staff to assist the schools in maintaining compliance.

Ms. Buckner stated that session inspections can be done for existing certified training schools/school affiliations by request.

Mr. Baker ended the DCJS report with an introduction of Deputy Chief Debra Gardner.

Chairman Ellis thanked Mr. Baker for presenting the DCJS report in Ms. McGee's absence and

moved the meeting back to committee reports.

### **Committee Reports**

#### **Training Committee**

There was no report.

#### **Communications Committee**

There was no report.

#### **Regulatory Committee**

Ms. Nicole Bocra reported that the committee is looking for feedback regarding regulations that are important to the Board or any other industry concerns.

Ms. Bocra stated that within the eight to ten weeks of legislative session there are thousands of bills to track. She brought attention to bills referencing human trafficking and GPS tracking and requested that any concerns be brought to the Regulatory Committee for discussion at the October meeting.

At the request of Chairman Ellis, Ms. Bocra provided information on The Joint Commission on Technology and Science (JCOTS) overseen by Delegate May. Ms. Bocra stated that she is on the Electronic Security Board and that the next meeting is November 21, 2011 in the General Assembly Board. On behalf of JCOTS Ms. Bocra requested that a DCJS staff attend this meeting to discuss what they regulate.

#### **Conference Committee**

There was no report available.

#### **Old Business**

Chairman Ellis stated that the Old Business was covered in the Board Comments and Reports.

#### **New Business**

Chairman Ellis stated that the New Business had been covered.

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

#### **Chairman Paul Ellis**

Chairman Ellis stated that was not enough notice given to the PSSAB and constituents of the change to ROCS.

#### **Mr. Leon Baker**

Mr. Baker stated that it was regularly communicated to PSSAB while ROCS was in its developmental phase and that Ms. McGee provided notice at the July 19, 2011 PSSAB of the ROCS launch date.

Mr. Baker stated that the process had been floundering and became a priority when Director Wheeler and Chief Deputy Gardner came on board and a date was decided.

Mr. Baker stated that if the system glitches were foreseen DCJS would have not rolled out the product. Mr. Baker stated that all staff is diligently working to streamline and make this a better experience for the constituents.

Mr. Baker stated that the last notice of the ROCS rollout was communicating the last chance to get registrations/renewals and other requirements in prior to the shut-down of Watson.

#### Chief Deputy Debra Gardner

Chief Deputy Gardner stated that it should not take five years to put a system in place and that she and Director Wheeler take responsibility for pushing forward in making it happen. Deputy Gardner stated that the vendor was put on notice that the contract would become null and void if they could not deliver.

Chairman Ellis stated that yes the PSSAB was noticed.

Mr. Baker stated that the intention is to provide a more user friendly product. However if in the end it is deemed un-user friendly DCJS will develop and deliver training on the functionality and use to the industry.

Mr. Baker stated that he is available for anyone who would like to talk about ROCS.

A concern was presented about the access of the DCJS 99 numbers in ROCS. Mr. Baker stated that the DCJS 99 numbers still exist and are now immediately available to constituents registered in ROCS. Registration numbers will also be assigned.

Mr. Baker stated that there are no changes to OSPREY's function.

#### Dan Schmitt

Mr. Schmitt stated that public service announcements (hotline, email, etc.) would be helpful to all in answering constituents' questions.

#### Ms. Nicole Bocra

Ms. Bocra reported that she and Charlie Ciccotti have prepared a communication letter to all Private Investigator representatives, copying the PSSAB and DCJS. She stated that like DCJS, she received back inaccurate email responses and encourages registrants to keep their contact information current.

Ms. Bocra stated that she had looked into the responsibilities of the PSSAB per the Virginia Code: It shall be classified as an Advisory Board when its purpose is to provide advice and comment to an Executive Branch, Agency or Office; an Advisory Board serves as a formal liaison between the Agency or Office and the Public to ensure that the Agency or Office understands public concerns and that activities of the Agency or Office are communicated to the public. She said this is the role the PSSAB wants to develop.

Ms. Mary Kay Wakefield

Ms. Wakefield stated that whenever there is a Committee meeting or any type of communication going out to the constituents please make sure all Board members are copied so that they may keep abreast of happenings.

Ms. Wakefield reported that the ESA Virginia (formerly the Virginia Burglar Fire Alarm Association) annual meeting and Open House are on Thursday, October 20, 2011 at the Short Pump Westin. She said that there will be a Compliance In-Service training and you must sign up with DCJS to attend. There will be national lobbyist(s) in attendance to talk about Electronic Security concerns. She advised there will be a free two hours Customer Service Management Training Seminar and all security representatives are welcome to attend.

**Public Comments:**

Mr. John Kochensparger

Mr. Kochensparger asked: When submitting training rosters in Osprey is the acceptance procedure automatic in ROCS with ten minutes updates? He further commented that the automated hotline is a much slower but more thorough system. He said that an individual is unable to obtain their DCJS 99# through the hotline.

Mr. Kochensparger stated that there will be a change required for subcontractors in Virginia Code and Regulations. He said that the regulations cover bidding on contract. He said that violating a regulation is a class I misdemeanor under 9.1-147.

Ms. Kim Buckner

Ms. Buckner advised that Osprey is an ancillary system and not a part of ROCS. Osprey updates overnight as it continues to interface with the legacy Sherlock system.

Mr. Leon Baker

Mr. Baker commented that the announcement is on DCJS' website encouraging the constituents to register and asking Compliance Agents to encourage employees to sign up in ROCS. When registering in ROCS an individual may obtain their DCJS 99#.

Mr. Baker stated that DCJS would like the constituents to submit in writing any questions or concerns to The Division of Regulatory Affairs.

Mr. Baker advised that DCJS will look further into the subcontractor issue.

**Announcements:**

Chairman Ellis stated that announcements were covered in meeting.

**Adjournment**

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

## **Meeting Attendees:**

### DCJS Staff

Debra Gardner, Chief Deputy Director  
Leon Baker, Division Director  
Kim Buckner, Training Coordinator  
Bryan Carver, Field Investigator  
Tim Haymore, Field Investigator  
Robbie Robertson, Field Investigator  
Jeff Scott, Field Investigator  
Burt Walker, Field Investigator  
Art Wells, Field Investigator

### Industry Attendees

Rick Arrington	Emmanuel Johnson, Jr.
Kurt Beach	Mark Johnson
Greg Beauvis	Paula Kenner
Charles W. Carey	Margaret Kerr-McKown
Cyndy M. Carey	John Kochensparger
Constantine Carras	Charles W. Lloyd, III
Angela Collins	Lou Ann McGraw
Lynn Comer	Ron McKown
Edwin Constantine	Jennie McLamb
Janice H. Cusel	Pat Moore
Judith M. Daniel	Shirley Moore
Larry Daniel	Tim OHara
Albert Foster	John Palomares
Gil Halasz	Shane Phillips
Lynn Herring	Ulises Sanchez
Beverly Johnson	Linda Schmitt
Dennis Johnson	Neal Seymour
	David Spicer