

DRAFT NOT APPROVED

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

**October 1, 2009
Quarterly Meeting Minutes**

**Holiday Inn – West End
2000 Staples Mill Road
Richmond, Virginia 23230**

Call to Order

Dennis VanDuzee, Chairman, called the meeting to order at approximately 9:00 a.m.

Attendees

Dennis VanDuzee, Chairman; Christopher DiMartino, Vice-Chairman; Carl D. Armstrong; Steve Demma; Charles E. Ciccotti; Paul Ellis; Daniel Schmitt; Kevin Hodges; Seth P. Oginz; James D. (Danny) Washburn, Jr.; John R. Lastrapes, Joseph Maslanka;

Absent

Deputy Chief James A. Cervera, Charles Tobin, Thomas Turner

Board Appointment and Officer Election

Chairman VanDuzee, announced and congratulated the new appointment of board members:

Mr. Seth Oginz, Electronic Security Business Representative, *7/1/2009 – 6/30/2010

Mr. Charles Ciccotti, Private Investigator Representative, *7/1/2009 – 6/30/2010

Mr. Daniel Schmidt, Private Security Services Business Representative, 7/1/2009 – 6/30/2010

**denotes reappointment*

Christopher J. DiMartino was nominated for Chairman. Mr. VanDuzee made the motion, Mr. Kevin Hodges seconded, the motion carried unanimously.

Paul Ellis was nominated for Vice-Chairman; motion made by Dennis VanDuzee, seconded by Charles Ciccotti. The motion carried unanimously.

At the completion of the elections the meeting was turned over to the new Chairman Christopher DiMartino who recognized Dennis VanDuzee for his contributions and leadership as the Chairman of the Board for the past two years.

Approval of Agenda

Carl Armstrong made a motion to approve the agenda.

Seth Oginz seconded the motion and the motion carried.

Approval of Minutes

There were two corrections to the June 9, 2009 minutes to correct firearms terminology.

Carl Armstrong made a motion to approve changes to the minutes.

Paul Ellis seconded the motion and the motion carried.

Carl Armstrong made the motion to approve the minutes.

Paul Ellis seconded, motion carried.

Committee Reports

Training Committee: The Training Committee did not have anything to report. Steve Demma thanked all of the instructors and industry members for their participation and recommendations in regard to the training portions of the proposed regulations.

Board Member Comment: Chairman DiMartino asked Mr. Demma if any provisions were recommended in regard to handguns being in line with the more popular semi automatic. Mr. Demma advised that the recommendations did incorporate more semi automatic friendly requirements.

Regulatory Committee: No report given.

DCJS Report

Lisa McGee, Office of Regulatory Affairs, Regulatory Manager provided the report.

Ms. McGee, on behalf of the Department, thanked Mr. VanDuzee for his leadership and on-going professionalism as reflected in his actions with the Department and the industry. She congratulated Mr. Oginz, Mr. Ciccotti and Mr. Schmidt on their appointments and congratulated Mr. DiMartino and Mr. Ellis on their appointments as Chairman and Vice-Chairman.

Ms. McGee discussed the organizational changes within the Department of Criminal Justice Services. She advised that the former Private Security Services Section was housed within the Office of Regulatory Affairs. She provided the following staff changes:

Jeff Scott, the Department's investigator for the Northern Region, resigned from the Department. Mr. Scott had an opportunity to further his career with the Federal Government.

Burt Walker had come into the office full time a few years ago to manage the Compliance and Enforcement unit of the Private Security Services Section as well as handling the adjudication of cases. Robert Tortolani, will be handling the adjudication responsibilities as the Adjudication Coordinator for the Office of Regulatory Affairs, and Burt Walker will now be conducting investigations and audits. Mr. Walker will be handling the Northern Region in place of Mr. Scott, both he and Investigator Haymore will be in the Central Region, while Investigator Robertson will handle the Southwest Region of the Commonwealth.

Ms. McGee introduced Tim Paul, the Certification Manager for the Office of Regulatory Affairs. Part of Mr. Paul's responsibility along with his staff will be directly involved with the certification of Training Schools, Instructors and Compliance Agents. Mr. Paul has an extensive law enforcement background and retired as a Chief of Police in New York State. He began his career with DCJS managing the Community Policing Curriculum for Virginia Law Enforcement. Prior to working with the Office of Regulatory Affairs, Mr. Paul was the Section Chief for the Law Enforcement Section of the Department which was responsible for law enforcement accreditation, the Crime Prevention Center, law enforcement grant awards, and policy writing. With the reorganization, Mr. Paul will still be involved with law enforcement responsibilities as well as working with the private security industry.

Kim Buckner will be focusing more on the various training courses provided by the Department, not only with the private security industries but to other constituents of the Department of Criminal Justice.

Kim Freiberger, the former Licensing Coordinator has taken on a new role as a Criminal Justice Analyst working with the Regulatory Center of the Office. Part of her responsibilities will be assisting in the management of the regulatory programs for the agency as well as research and the implementation of the new web-based system. Kim will also continue to be the Freedom of Information (FOIA) officer for the Office of Regulatory Affairs and assisting with compliance of the Administrative Process Act (APA).

Neadie Moore, an employee of the Department, has been reassigned to the Office of Regulatory Affairs and will oversee the Licensing and Registration staff and manage the Private Security Services, Bail Bondsmen, Bail Enforcement Agents and Special Conservators of the Peace application programs. Ms. Moore will be attending the next quarterly board meeting.

Ms. McGee advised that the agency website was currently under construction and the new organizational information would be posted in the near future. Ms. McGee will provide the Board with updated organizational charts for their Board manuals.

Department Announcements:

Ms. McGee discussed the on-line application system known as Watson. In order to utilize the system, individuals would need their DCJS ID number and pin. This information could be obtained by submitting a request through the website and the information was mailed to the requester. The Department is now able to offer a service that if the individual has a current application on file, the individual may received their DCJS ID number and pin immediately. The information needed includes:

Social Security Number
Date of Birth
Last Name
First Name

Once entered, the DCJS ID and pin will be provided electronically. The Department believes this will also assist the photo schools who require the DCJS ID number prior to submitting electronic photos to the Department.

The Department has been sending out renewal post cards to registered individuals to provide them notice of renewal requirements as well as information about renewing on-line. These renewal notices have been redesigned to provide more detailed information. The postcards have a new look, with the addition of “user-friendly” instructions to navigate through the Watson On-Line System and a reminder that in-service training needs to be completed as part of the renewal process.

The Department currently provides these renewal postcards to private security services registrants but will be sending postcards for other categories/programs that are currently regulated by the Office of Regulatory Affairs in the near future. This includes firearms endorsements, Special Conservators of the Peace, Bail Enforcement Agents and Bail Bondsmen.

Renewal postcards encourage individuals to conduct the renewal process through alternative service delivery channels. This effort has been successful in reducing the traffic received by the Customer Service Center, as well as reduce the cost of resources needed to print and mail the notices to regulants on a monthly basis.

Training Opportunity:

Ms. McGee announced a training opportunity available to members of the private security services industry. The course: Problem Solving, a Collaborative “How To” Brief for Private Security Services Staff, Law Enforcement and Supervisors.

With budgets shrinking and staff being drawn away from other tasks it is essential for both private and public patrols and investigators to cooperate in a continued effort to resolve crime problems in high risk neighborhoods. This course is designed for law enforcement and private security staff and supervisors working in high crime communities in which a proactive approach to addressing the crime and fear of crime is sought. The primary focus of this course is to provide the basic knowledge and skills necessary to initiate a collaborative public/private team approach to identifying and resolving the underlying causes of crime in at-risk neighborhoods and to generate a sense of community cohesiveness in addressing future problems. Ms. McGee advised that the training will emphasize the importance of trust, accountability and professionalism by all members in the problem solving effort, while providing tools form implementing the strategies learned by the participants.

The course was approved for in-service credit for law enforcement, private security services security officers, private investigators and special conservators of the peace.

Ms. McGee advised that three additional private security services training schools were providing locksmith in-service training and that two schools were looking to provide the training in the near future.

Regulatory Actions

The Regulation Relating to Bail Enforcement Agents were approved by the Governor, filed with the Virginia Registrar and go into effect on October 14, 2009.

The Proposed Regulations Relating to Private Security Services has been submitted for executive review. The document was approved by the Attorney General’s office and is currently with the Department of Planning and Budget undergoing an economic impact analysis. If recommended by the Department of Planning and Budget they will be forwarded for review to the Secretary of Public Safety Office and then the Governor’s office. Once approved, a 60 day comment period will be provided along with a public hearing before the Criminal Justice Services Board. The Department will notice the industry once that occurs.

Ms. McGee provided the following summary of the recommended changes in the Proposed Regulations Relating to Private Security Services:

While all areas of the regulations will be subject to this comprehensive review, the substance of this review will be to include a permanent regulatory scheme for locksmiths and detector canine handlers, examiners and teams operating within the Commonwealth. This review will focus on reevaluating the existing licensure, registration, certification and training requirements, procedures, fees, administrative requirements and standards of conduct.

6 VAC 20-171-10 – Definitions:

Definitions have been inserted or amended in regard to the regulatory program established for locksmiths and detector canine handlers and examiners in accordance with the Code of Virginia §9.1-138 et seq. Other amendments to the definitions are based on terminology related to firearms training, and variances in methods of conducting training.

6 VAC 20-171-20 – Fees

The amendments to the fee structure include an option for businesses to obtain a one year or two year initial license, an increase in the firearms endorsement fee, an additional category fee for training schools and instructors and a separation of certification applications fees and required regulatory compliance training fees. The electronic roster submittal fee has been deleted and instructor training development fees have been removed from the regulation. There is also a new manual processing service fee for applications not submitted by available electronic methods. Other amendments involve a restructuring of the fee schedule for clarity.

6 VAC 20-171-30 – Fingerprint processing

Amendments are included to reflect the current criminal history records search process utilized by the Department.

6 VAC 20-171-50 – Initial business license application

The amendments incorporate the new categories of locksmith and detector canine business as well as clarify what constitutes a legal entity change thus requiring a new license.

6 VAC 20-171-70 – Compliance Agent

This section has been amended to clarify the application process and requirements for a compliance agent. Two new sections have been inserted – **6 VAC 20-171-71 – Compliance Agent Certification Renewal Requirements** and **6 VAC 20-171-72 – Compliance Agent Regulatory Compliance Training Requirements**. The amendments do not make any major changes to the requirements but provide clarity for the process and make the process inclusive in one article of the regulations compared to being spread throughout the document.

6 VAC 20-171-80 to 6 VAC 20-171-90 - Training school certification

The proposed regulations establish the categories of training in which schools will be required to submit a category of training fee depending on the number of training categories provided by the training school. Language is included to clarify what constitutes a legal entity change.

6 VAC 20-171-100 to 6 VAC 20-171-111- Instructor Certification

Amendments include a new category of training fee, range qualification requirements for firearms instructors, and new training requirements to include regulatory compliance training and continuing education. Inserting a new section 6 VAC-20-171-111 provides clarity and makes the process inclusive in one article of the regulations.

6 VAC20-171-115 –to 6 VAC20-171-117 – Detector Canine Handler Examiner Certification

The new sections establish the initial, renewal and training requirements for certification.

6 VAC20-171-120 to 6 VAC20-171-130 – Private Security Services Registration

The amendments include the new categories of registration for locksmiths and detector canine handlers and include the requirement of a photo submission by the applicant.

6VAC20-171-135 – Firearms endorsements

This is a new section to clarify the process of obtaining a firearms endorsement and makes the process inclusive within one article of the regulations. It also establishes a timeframe in which retraining must be taken.

6 VAC 20-171-180 – Reinstatement

Amendments to the reinstatement procedures have been inserted which allow a company to continue to operate during the reinstatement period and establishes continued authority by the Department.

6VAC20-171-190 – Renewal extension

Amendments include a broader description of emergency temporary assignments to include purposes of natural disaster, homeland security or document threat. Language has been inserted which allows the department to waive the requirement of submittal prior to expiration with justification and establishes the timeframe that an exemption may be issued for.

6 VAC20-171-200 – Denial, probation, suspension and revocation

Includes an amendment in which the last known employing business or training school will be notified if an employee of the company is subject to disciplinary action by the department.

6 VAC 171-220 to 6 VAC20-171-280 – Administrative Requirements and Standards of Conduct

Amendments reflect new administrative requirements and standards of conduct for businesses, compliance agents, training schools, training school directors and instructors. These amendments include the removal of a provision that a business license or training school certification is null and void due to a lapse of insurance and inserts a clause that each day of uninsured activity would be construed as an individual violation. New provisions have been inserted for reporting requirements upon termination of a compliance agent or training school director. Administrative requirements to maintain a use of force policy, maintain records for employees carrying intermediate weapons, and records in regard to detector canine handler teams have been added for businesses.

Additional standards of conduct have been included to prohibit acting as an ostensible licensee for undisclosed persons, providing false or misleading information, refusing to cooperate with an investigation or for providing materially incorrect, misleading, incomplete or untrue information to the department.

A provision has been added requiring regulated individuals to report within 10 days having been arrested for a crime in any jurisdiction as well as establish standards of conduct pertaining to authorized access to the department’s licensing database.

Additional reporting requirements have been added for training schools and school personnel regarding range qualification failures.

Other minor amendments are to ensure concise language for clarity and consistency.

6VAC20-171-300 – Private security services training session

Language has been deleted that required schools to submit sessions and rosters within a specific time period and a provision has been added that details the information a school will be required to capture on a training completion form.

6 VAC20-171-305 – On-line service training programs

This new section establishes the requirements for a school to offer on-line in-service training sessions.

6VAC20-171-308 – Detector Canine Handler Examiners

This new section establishes the administrative requirements and standards of conduct for detector canine handler examiners.

6 VAC20-171-310 through 320 – Registered personnel administrative requirements and standards of conduct.

Amendments include a provision for requiring registered personnel to report within 10 days having been arrested for a crime in any jurisdiction and the prohibition of having an arrest that the prima facie evidence would indicate the propensity for harming the public. The proposed regulations add a requirement that personnel who carry or have access to a patrol rifle while on duty must have written authorization from their employer and include additional standards of conduct to prohibit providing false or misleading information, refusing to cooperate with an investigation or providing materially incorrect, misleading, incomplete or untrue information to the department.

6 VAC20-171-350 – Entry level training

The training requirements have been changed to separate private security orientation training into its own block of training versus being incorporated in each entry-level mandated training session. The entry-level training has been restructured to include specific courses and hours for clarity. In addition, the minimum course and hour requirements for locksmiths and detector canine handlers have been added. The compulsory minimum training standards for armed security officers has increased from 40 hours to 50 hours due to an increase in firearms training hours and the hours for shotgun entry-level training have increased from 2 to 4 hours.

The course content has been amended to reflect the block section for private security orientation, minor changes to the content for armed security officer classroom training, and the hour requirements for each individual section of a course has been removed. The proposed regulations reflect the course content for locksmiths and detector canine handler examiners and all training provisions for compliance agents has been deleted and added to section 6 VAC 20-171-70-172.

6VAC20-171-360 – In-service training

The amendments include in-service training requirements for locksmiths and detector canine handlers and combines the course content and minimum hour requirements within one section (Section B) thus eliminating the need for Section C.

6VAC20-171-365 through 400 – Firearms training

The entry-level firearms training compulsory minimum training standards have been amended. An enhanced firearms training for armed security officers/couriers and personal protection specialist has been inserted (6VAC20-171-375) and reflects an increase of 10 hours of training compared to the entry-level firearms training for all other armed registered categories. The entry-level handgun range qualification has been moved to a new section for clarity purposes (6VAC20-171-376) and a new course of fire has been inserted.

The advanced firearms training compulsory minimum training standards for personal protection specialists have been amended. The topics have been amended to address concealed carry laws and use of force. The hours are reduced due to the removal of duplicate training objectives already

addressed in the basic firearms training requirements which is a prerequisite for the advanced handgun training.

The shotgun minimum training standards and course of fire have been amended which increases the classroom training by 2 hours.

A new section has been created to address entry level patrol rifle training (6 VAC20-171-395) and includes the classroom training and course of fire.

Amendments to firearms retraining increases the classroom hours to 4 hours for all armed registered personnel with the exception personal protection specialists who must complete advanced firearms retraining. This is a new requirement for the armed security officers.

6VAC20-171-430-440 – Entry level security canine handler training.

This section has been repealed and the provisions are now included in the entry-level and in-service training sections for registered personnel under 6 VAC 20-171-350 and 360.

6 VAC20-171-500 – Disciplinary action; sanctions; publication of records.

An additional sanction - the use of conditional agreements - has been added to the list of sanctions that the department may impose for a violation or noncompliance.

This concluded the report for the Department of Criminal Justice Services.

Board Comments:

Chairman DiMartio spoke about the conflict and/or overlap between the electronic security and locksmith industry specifically in the areas of access control and wanted to discuss how it would be addressed with the regulatory committee. Due to the absence of the Chairman of the Regulatory Committee, Chairman DiMartino would follow up with Tom Turner about holding a regulatory committee meeting with private security services representatives and members of the locksmith industry to discuss and get viewpoints relative to how to handle these areas in access control where it is overlapped. The hope would be that it could be handled with a regulatory change. If it cannot be handled with a regulatory change it would possibly require a legislative amendment to initiate the change, which is a much more involved and drawn out process.

Chairman DiMartino advised that the industry would be noticed once a meeting time and place was established.

New Business

The Harold L. McCann Memorial Award is awarded annually to an individual who has exhibited strong leadership, innovation, courage, and excellence in the private security services profession in the Commonwealth of Virginia. This award is given in recognition of Mr. Harold L. McCann for his dedication, personal integrity, and demonstrated leadership in more than 40 years of service in the private security industry. A total of 3 nominations were received by the Department and forwarded to the members of the Advisory Board. The Advisory Board presented the award to Julien G. Patterson, the Founder and Chairman of OMNIPLEX World Services Corporation. Unfortunately, Mr. Patterson was called away on business and was unable to accept his award. Board Member Paul Ellis accepted the Award on his behalf.

Chairman DiMartino presented an Appreciation Award to former Board Member, Brent Fortner. Mr. Hodges accepted the award on Mr. Fortner's behalf.

Public Comment

Gary Ford brought up concerns in regard to fictitious locksmiths who advertise heavily in the phonebook and on the Internet. Mr. Ford inquired to what the Board and Department were going to do because it was affecting legitimate locksmith businesses. The Board as well as representatives from the Department responded that the Department investigators were actively pursuing complaints filed with the department. Ms. McGee advised that in addition to the department conducting investigations, other options were available to assist in the reduction of unregistered and unlicensed activity. She advised that two local networks had broadcast stories on locksmiths and the requirements of licensure and registration. Both networks had interviewed staff with the Department. Additionally to reduce the advertising in phone books, it was recommended that the Locksmith Association contact some of the telephone directory companies and advise of the new licensing requirements for locksmiths.

It was determined that Mr. Tortolani would meet with Mr. Ford and other interested parties to discuss ways to address their concerns.

A public comment was made in regard to a proposed amendment to the Regulations Relating to Private Security Services under 6 VAC 20-171-190 which required that DCJS be notified within 10 days of an arrest. The concern presented was in regard to an individual was innocent until proven guilty. Ms. McGee advised that this recommendation was brought forward by the industry.

John Kochensparger discussed some of the amendments in the proposed Regulations Relating to Private Security Services. He addressed concerns about the recommendation that the insurance requirement be raised to a minimum of \$1,000,000 general liability. Ms. McGee responded that that recommendation had already been removed based on the last regulatory meeting with the industry. Other concerns were in regard to allowing training extensions for individuals who provided foreign services, discussion followed that the Department did not concur that foreign assignments did not institute an emergency situation and did not include the recommendation in the proposed regulatory document.

Mr. Kochensparger also provided support of instituting on-line training and that it would be a mistake not to allow for entry-level training to be offered in this manner. The Department responded that they would consider the possibility of on-line training for entry-level courses in the future with the establishment of standardized testing but did not support entry-level training on-line at this time because there were not any vetted testing procedures. The Department supported moving towards this in the future.

Mr. Hodges questioned the 8 hour in-service requirement for locksmiths. The Department responded that this was the original recommendation from the ad-hoc committee the Department worked with when establishing the minimum training requirements. The Department made a recommendation in the proposed regulations to reduce the in-service requirements to 4 hours consistent with those of an electronic security technician.

Mr. Pete Lupica requested information on where instructors could obtain two hours of professional development training. Mr. Ellis responded as a fellow instructor and offered examples such as ILESE, ILETA or any NRA instructor schools or obtaining legal training or communications course to keep updated in instructor development. Ms. Buckner added that the Department was looking for continuing education in regard to the subject that the instructor was providing to the industry.

Jack Ebbert requested an explanation of the regulatory compliance training proposed in the regulations. The Department responded that the regulatory compliance training was replacing the Entry-level compliance agent training. The recommendation in the proposed regulations required regulatory compliance training geared for compliance agents, instructors and detector canine handler examiners.

Michael Kennedy requested additional information on the increase of hours for firearms retraining. Mr. Demma, the chair for the training committee responded that it was established through the committee that 2 hours was not adequate time and the committee recommend an increase to 4 hours. Chairman DiMartino agreed that two hours was not proficient time to train or retrain an individual on everything needed in a classroom in order to go to the range.

Mr. Corn requested that an organizational chart of the Department be made available. Ms. McGee had already advised during her report that the website was under construction and the new organizational information would be available on the website as well as provided to the Board in the near future.

Mr. Corn also was concerned about the crossover between the definitions for electronic security and locksmith services.

Board Announcements:

The next quarterly meeting is scheduled for December 8, 2009. The venue and time of the meeting will be posted on the Virginia Townhall and notice sent electronically to the industry.

As the last order of business, Chairman DiMartino appointed Charles Ciccotti as the Board Secretary.

Adjournment

Dennis VanDuzee made a motion to adjourn the meeting.

Joseph Maslanka seconded the motion. The motion carried and the meeting was adjourned.

DCJS Attendees

Kim Buckner

Kim Freiberger

Lisa McGee

Tim Paul

Star Spillman

Karen Suttles

Robert Tortolani

