

Commonwealth of Virginia
PRIVATE SECURITY SERVICES ADVISORY BOARD

May 17, 2011
Quarterly Board Meeting Minutes

Tuckahoe Public Library
1901 Starling Drive
Richmond, Virginia 23229

Call to Order

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

Roll Call

Chairman DiMartino asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with roll call and stated that 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; Daniel Schmitt; Mary Kay Wakefield; James D. (Danny) Washburn, Jr.

Absent

Frank Phillips and Thomas H. Turner

Approval of Agenda

Chairman DiMartino called for a motion to approve the agenda. A motion to approve the agenda was made by James D. (Danny) Washburn, Craig Branch 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. A motion to approve the minutes was made by Craig Branch, Joseph Maslanka seconded and the motion carried.

Chairman DiMartino called for a motion to approve the minutes from the March 1, 2011 Board meeting. A motion to approve the minutes was made by Craig Branch, Mary Kay Wakefield seconded and the motion carried.

Guest Speaker

Delegate Bill Janis, representative to the Virginia General Assembly for the 56th District, served as the guest speaker for the Board meeting. Mr. Stan Corn introduced Delegate Janis. Delegate Janis greeted the Board, DCJS staff and meeting attendees and thanked everyone for the opportunity to speak at the meeting. He also thanked Mr. Corn for inviting him to be the guest speaker.

Delegate Janis spoke about the importance of citizen participation in the legislative process. He focused on two bills that were introduced at the last General Assembly Session that directly impacted the PSSAB, **SB 1471** and **HB 2520- Advisory boards, councils, and other advisory collegial bodies, certain; elimination**. These two bills were introduced by Senator Stephen Martin in the Senate and Delegate Christopher Peace in the House. He stated that he chose to speak on this topic because it is a very good example of how the legislative

process actually worked well.

Delegate Janis explained that some of the common misconceptions about the government are that the legislature process is perfunctory, our minds are made up, the process is window dressed and the public has no input. He stated that this legislation is a good example of why the misconceptions are not founded. He explained that the HB 2520 was repeatedly amended in the House before it was passed into law. He further explained that amendments were made as a result of the receipt of new information about the work of the PSSAB. He explained that the Governor's initiative in these bills were well intended but had unintended consequences due to faulty or incomplete information. He stated that there was not enough information compiled to make an informed decision to eliminate the PSSAB in the effort to downsize, streamline and reduce the cost of government expenses. Delegate Janis stated that the process worked and demonstrated how the system can work well and refuted some of the common misconceptions of how the government works.

Delegate Janis stated that regulations are for the protection of both the public as well as the private companies within the industry to ensure the adherence of regulations. He stated that he is not aware any other example of this type of public/private partnership between the regulating industry and the regulators. Delegate Janis stated that he uses the Board as an example when talking to groups of what the paradigm should be for the relationship between the private and public sectors. He stated that the Private Security is a very diverse industry. He stated that for the first time in the nation, Virginia will have a conference that brings together the Public Sector Law Enforcement Professionals and Private Security Professionals from the Industry to discuss how they can partnership in making the community safer.

Delegate Janis stated that the power to regulate is the power to destroy. He stated that it is possible to regulate an industry out of business. He stated that better regulations result in better consumer protection and safer communities. Delegate Janis encouraged everyone to find out the names of their Delegate and Senator, go see them, and make a new friend.

Mr. Leon Baker, on behalf of the Secretary of Public Safety and the Director of DCJS, thanked Delegate Janis for being at the meeting. He stated that DCJS has always had a good relationship with and is happy with the outcome of the legislation to preserve the Private Security Services Advisory Board. Mr. Baker stated that DCJS Chief Deputy Debra Gardner was present at the meeting to demonstrate support and commitment to the industry that DCJS is responsible for regulating.

Chairman DiMartino thanked Delegate Bill Janis for being the guest speaker.

Chief Deputy Director Gardner's Comments:

Chief Deputy Director Debra Gardner greeted the Board and attendees. She stated that DCJS is committed to continued communication and transparency. Chief

Deputy Gardner invited the Board members and meeting attendees to the DCJS Open House to be held on June 9, 2011, following the Criminal Justice Services Board. She stated that an email invitation will be sent to DCJS constituents and placed on the Department's website.

Committee Reports

Training Committee

Mr. Stephen Demma reported that a letter is being drafted to send to instructors about training committee membership. Mr. Demma stated that he is continuing his efforts to change the membership of the training committee to include representation from all areas of the private security industry. July is the target date to have all committee members in place. Mr. Demma requested that the name of the DCJS Firearm Discharge Report be changed to Use of Force Report. He stated that accidental discharges of firearms would be captured on the same report.

Conference Committee

Mr. Joseph Maslanka reported that the conference is ready to go. He stated that the Committee is working on solicitation of sponsors and attendees. Mr. Maslanka asked Robbie Robertson to report the status details.

Mr. Robertson reported that the 46th Annual Virginia State Crime Clinic Training Seminar in Partnership with Virginia Department of Criminal Justice Services will be held at the Sheraton Virginia Beach Oceanfront Hotel in Virginia Beach, VA Wednesday September 14, 2011 - Friday September 16, 2011. He stated that there are no discounts after August 19, 2011. He stated that the absolute deadline for registration is September 7, 2011 and that there will be no on-site registration. He stated that an email invitation with all of the conference details and registration information will be sent out. Mr. Robertson stated that all information should be ready for posting on both the Department of Criminal Justice Services and the Virginia State Crime Clinic websites by the end of May.

Mr. Robertson stated that hopefully there will be interest of Law Enforcement not only in the Tidewater area but further out. Mr. Robertson stated that he would like to see media coverage, as this is the first time in Virginia that there has been a joint conference of Law Enforcement and Private Security. He stated the Committee is working on obtaining a proclamation from the Governor for the event.

Communications Committee

Ms. Mary Kay Wakefield reported that the Communications Committee reviewed the Private Security Services Advisory Board Appointment Application and the appointment process. The committee recommended that the application remain the same and that a cover letter from the Private Security Services Advisory Board (PSSAB) Chairperson defining the responsibilities of a Board member be included. She reported that the committee suggested that the appointment applications be reviewed by the PSSAB and make recommendations to the Criminal Justice Services Board's Nominating Committee. She expressed the

need for the PSSAB to develop guidelines for appointment and term limits.

Ms. Wakefield reported that the committee members found it difficult to locate the PSSAB on the new DCJS website and requested that a prominent link to the PSSAB information be added and updated immediately. The committee requested that PSSAB and Townhall information be included on all new and renewal applications.

Other Communications Committee recommendations were: posting minutes on Town Hall in accordance to government mandate; posting all meeting dates for a year on both Town Hall and the DCJS website; updating associated links on the DCJS website; posting detailed meeting agendas; introducing Board members to include the segment of the Private Security Industry they represent; posting Board standing committees and the committee members on the DCJS website; and, that the PSSAB Chairperson assign a PSSAB member to monitor the DCJS website and social networks for timely and accurate posting of all information.

DCJS Report

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

Re-Proposed Regulations

Ms. McGee reported that the Re-proposed Regulations document is still at the Governor's office and is pending final executive review. Ms. McGee encouraged the industry to review the Re-Proposed Regulations and the background documents that were used to prepare them. Ms. McGee stated that the public can access the Re-Proposed Regulations now are currently available for public review on the Virginia Regulatory Townhall website at (Townhall.Virginia.gov). She also encouraged the industry to review the Department of Planning and Budget Economic Impact Analysis of the Re-Proposed Regulations that is also available on the Townhall website. She stated that following approval from the Governor, the approved document will be posted on the Virginia Regulatory Townhall website for a 30-day public comment period.

New Laws

Ms. McGee stated that three bills introduced during the last General Assembly Session that impact constituents regulated by the Office of Regulatory Affairs have been signed into law by the Governor. The new laws will be effective July 1, 2011.

Acts of the Assembly

- **Chapter 263-HB 2271-** §§9.1-138 and 9.1-140 of the Code of Virginia are amended to define "Computer or digital forensic services" and exempt those engaged in those services from regulatory authority of DCJS.
- **Chapter 623-HB 2437-** § 9.1-185.8 of the Code of Virginia amended to define a bail premium and provides that a licensed bail bondsman shall not charge less than 10% or more than 15% of the amount of the bond. Also

prohibits a licensed bail bondsman from loaning money with interest for the purpose of helping another obtain a bail bond. bail bond premium.

- **Chapter 854-SB 1163-** §§ 9.1-102, 9.1-150, and 9.1-176 of the Code of Virginia amended and reenacted to provide 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 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 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 the authority to go beyond just the “cease and desist” order for unlicensed and/or unregistered activity to issuing monetary penalties for regulation violations.

Revised Firearms Endorsement Application

Ms. McGee reported that a new Firearms Endorsement application has been posted on the DCJS website as a newly revised form. The application was revised to more closely align with the eligibility requirements of Code of Virginia §18.2-30 and the Federal Control Act to carry or possess a firearm. The new application will give DCJS the opportunity to address some of the issues DCJS has dealt with concerning add firearms endorsements to existing registrations where criminal history background checks could not be requested. Firearm Endorsement applications for Bail Bondsman, Bail Enforcement and Special Conservator of the Peace should be posted this week.

Survey

Ms. McGee reported that a survey was sent to DCJS constituents representing both public and private side of public safety. A total of 8300 surveys were distributed of which 7087 were to Office of Regulatory Affairs (ORA) constituents. The response rate for ORA was 9 per cent, or 650 responses. The DCJS Research Unit is still compiling the data results. Ms. McGee provided survey breakdown:

- Registrants – 248
- Compliance Agents – 170
- School Instructors – 52
- Bail Bondsman- 50
- SCOP – 40
- Bail Enforcement – 11
- Other – 79

DCJS Website

Ms. McGee reported that the new DCJS website is up and running. She stated that announcements can be found by scrolling down on the “What’s New” section on the website’s home page. She reported that a link to the PSSAB information on the Department’s Committees and Boards has been placed on the home page for the Office of Regulatory Affairs. She added that the link has been repaired and is working properly. She stated that all public notices have been added under PSSAB heading. She stated that the PSSAB Board meeting is posted on the DCJS website and on the Virginia Townhall along with that of the Criminal Justice Service Board.

PSSAB Appointment Application

Ms. McGee reported that the PSSAB Board vacancy and application information has been placed on the Department’s website and announcements were emailed to constituents. To date, the Department has received one application.

DCJS Staff

Ms. McGee reported that approval has been granted to hire additional staff. Two part time administrative members have been hired, one of them Mrs. Brenda Cardoza. She reported that approval has also been granted to hire three part time investigators to help with enforcement efforts. Mr. Leon Baker stated that the investigator positions will be used in highly concentrated areas and will enhance productivity. He stated that DCJS has been working with jurisdictions that have taken an interest in enforcement of the regulations. He reported that Richmond City and Tidewater have established joint task forces to focus on clubs and parties that use Security Officers to ensure that they are licensed businesses. The City Attorney, Health Department, local ABC Officers, Fire Marshals and Sheriffs in the two jurisdictions have partnered in the task force effort.

Informational Pamphlet

Ms. McGee reported that as part of the DCJS’ marketing effort to get more information out to the community a pamphlet entitled, What You Need to Know Before contracting for Private Investigation Services for your Home and Business has been prepared. She stated that copies of the pamphlet were available on the handout table.

Upcoming DCJS Training

Ms. McGee reported that all DCJS sponsored trainings offered are posted on the DCJS website under the Calendar of Events. She stated that classes are removed from the website when they are filled. Ms. McGee announced all of the trainings scheduled through October 2011.

Old Business

There was no old business to discuss.

New Business

In response to the recommendation of the Communications Committee for the Board Chair to assign a PSSAB member to monitor the DCJS website and social

networks for timely and accurate posting of all information, Chairman DiMartino asked for a volunteer. With no volunteer, Chairman DiMartino assigned Frank Phillips as the monitor.

Ms. McGee thanked Chairman DiMartino for his 8 years of service to the Private Security Services Board.

Mr. Paul Ellis read comments on behalf of Board member Mr. Frank Phillips: Mr. Phillips requested the Regulatory Committee look into legislation to allow 32E (Personal Protection) and O2E(Private Investigator) professionals to work as independent contractors under a Virginia State Personal Protection Service or Private Investigation Company in good standing with DCJS similar to the provisions for instructors. This would decrease the burden for individual personal protection specialists and private investigators and remove the burden for employers. A legislative amendment would be needed to make this change.

Mr. Phillips is also in favor of implementing the DCJS Compliance Bulletin on a quarterly basis again.

Board Comments/ Discussion from the Board

Mass Email System

Seth Oginz asked if Board members would be able to send out messages to their constituents using the DCJS email broadcast system. Ms. McGee advised that they would be able to send messages. She asked that requests to send messages be sent to the Board Chair. She further advised that all messages would be sent on behalf of the Board.

Part-time Investigators

Mary Kay Wakefield thanked Ms. McGee for the update on DCJS and stated that she is happy about the hiring of the part-time investigators, especially since the summer sales people are already out. She asked if the new part-time investigators would be assigned to three parts of the state. She asked if they would be working all areas or specializing on specific problems. Mr. Baker advised that the preference would be for one investigator to be assigned in each of three areas- Northern Virginia, Newport News/Hampton and Southwest Virginia. He advised that the new investigators would be working in all areas focusing on unregistered and unlicensed activities. They may specialize on problems like bail bonding, locksmiths and other areas that the current investigators are not able to focus on.

New Licensing System

Mr. Steve Demma asked when the new system would be online. Ms. McGee advised that the company the agency is working with to bring the new system online was onsite recently to finalize plans for rollout and the target date is Labor Day weekend. Mr. Demma asked if the new system will enable the information for Training Completion Forms to be entered directly into the individual registrant records. He also asked when issuance of the new registration cards will begin.

Mr. Washburn asked when applicants would be able to register online. Ms. McGee advised that the plan is to phase in some of the features of the new system. She explained that the new cards cannot be issued until after the Re-Proposed Regulations have been approved by the Governor. She also advised that applicant are able to register online now with the current system and they will also be able to register online with the new system.

Miscellaneous

Mr. Schmitt commented that unlicensed activity had been reported to Investigator Robbie Robertson and within 24 hours the complaint had been addressed. Mr. Robertson advised at the time he was on site with the police department and therefore was able to complete what needed to be done to address the problem immediately.

Public Comments:

Mr. Stan Corn stated there is an extremely fine definition of bad guys. He stated that he would like to see the Board act on:

1. In-Service classes and fix regulations
2. Re-evaluation of regulation to carry arms as long as you are not taking it into the client's home.

Announcements:

The next Private Security Services Advisory Board meeting will be held on Tuesday, July 19, 2011, 10:00a.m. at the Richmond Police Academy, 1202 W. Graham Road, Richmond, VA 23220. The agenda will be distributed at a later date. All meeting information will be posted on Town Hall.

Adjournment

Chairman DiMartino adjourned the meeting.

Meeting Attendees:

DCJS Staff

Debra Gardner, Deputy Director
Leon Baker, Division Director
Lisa McGee, Regulatory Manager
Brenda Cardoza, Administrative Assistant
Neadie Moore, Licensing Coordinator
Robbie Robertson, Field Investigator
Burt Walker, Field Investigator

Industry Attendees

Stanley R. Corn
Lisa Dangler
Peyton Eastwood
John H. Ferguson
Paula Kenner

John Kochensparger
Pat Moore
Kevin O'Brien
John Palomares, Jr
Ulises O. Sanchez
Marc Saratori
Beverly Seymour
Neal Seymour
Beth Townsend