

Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes
For July 7, 2016 Meeting

Department of Consumer Affairs
1625 North Market Boulevard
Sacramento, CA 95834

Industry Members Present

Simon M. Cruz, Jr. (Firearm/Baton Training Facilities)
Marcelle L. Egley (Repossessor Industry)
Sandra L. Hardin (Locksmith Industry)
Matthew J. Lujan (Private Patrol Operator/Security Guard Industries)
Aaron "Riley" Parker (Private Investigator Industry)
Tim B. Westphal (Alarm Industry)

Public Members Present

Lynn S. Mohrfeld (California Hotel & Lodging Association)
Nancy Murrish (Congress of California Seniors)
Javier Gonzalez (California Restaurant Association)
Todd C. Inglis (Ventura County Sheriff's Office)
Douglas R. Lee (California Governor's Office of Emergency Services)

Department of Consumer Affairs - Legal Staff Present

Awet Kidane – Director of the Department of Consumer Affairs
Shela Barker - Legal Counsel

Bureau Staff Present

Laura Alarcon – Chief
Clarisa Serrato-Chavez - Deputy Chief
Connie Bouvia - Deputy Chief
Samuel Stodolski - Policy & Administration Manager
Andrea Dailly - Bureau Ombudsman
Jennifer Muñoz – Senior Policy Analyst
Carl Beermann – Senior Policy Analyst

Minutes Taken By

Andrea Dailly

- 1. Call Meeting to Order**
Meeting called to order by Bureau Chief Laura Alarcon.
- 2. Introduction and Swearing in of following individuals as Advisory Committee Members by Department of Consumer Affairs Director Awet Kidane:**

Industry Members

Simon M. Cruz, Jr. (Firearm/Baton Training Facilities)
Marcelle L. Egley (Repossession Industry)
Sandra Lee Hardin (Locksmith Industry)
Matthew J. Lujan (Private Patrol Operators/Security Guard Industries)
Aaron "Riley" Parker (Private Investigator Industry)

Tim B. Westphal (Alarm Industry)

Public Members

Douglas R. Lee (California Governor's Office of Emergency Services)

Lynn S. Mohrfeld (California Hotel & Lodging Association)

Nancy L. Murrish (Congress of California Seniors)

Captain Todd C. Inglis (Ventura County Sheriff's Department)

DCA Director Awet Kidane administered the Oath of Allegiance and swore in the individuals noted above as Committee Members.

3. Roll Call/Establish Quorum

Roll was taken and 10 committee members were present. Quorum was established and Chief Alarcon noted the meeting official start time as 10:03 AM.

Note: Committee Member Javier Gonzalez arrived at 11:25 AM.

4. Approval of Minutes from April 7, 2016

Aaron "Riley" Parker made a motion to approve the minutes from the April 7, 2016 Advisory Committee Meeting. Lynn Mohrfeld seconded the motion. The motion to approve the April 7, 2016 minutes passed on a 10-0 vote.

5. Bureau Chief's Welcome Remarks/Bureau News and Updates

Chief Alarcon began her update by noting that the Bureau was hitting its six-month mark of transitioning to the DCA BreEZe system and that it was now switching gears to refining its BreEZe platform. She noted that this entailed identifying and making system enhancements as the Bureau's understanding of the system's functions grew to better align with business processes. She provided several examples of some of the current enhancements in the works.

Chief Alarcon commented that the total number of applications received online had grown about 3 percent since the April 7, 2016 Committee meeting. She also noted that averages of 80-85 percent of BreEZe online users were Security Guards, and that it was unclear why more individuals are not utilizing the benefits of BreEZe.

Chief Alarcon shared that the Bureau's current processing time for paper applications with no deficiencies was 8 weeks. She also noted that over 30% of paper applications received by the Bureau were deficient, and provided examples of how applicants could avoid common deficiencies. She announced that new Firearms Permit Application forms had been developed, that effective September 1, 2016 the Bureau would only be accepting the new forms and that all firearms training facilities had been sent letters notifying them of the change. Chief Alarcon also explained why the add a caliber process had been temporarily halted in June and that Bureau staff had identified a pathway to add a caliber that would align with statutory and regulatory requirements. She noted that the new process involved developing a *Certificate of Proficiency in Specified Caliber(s)* form, based on the authority in law for such a certificate, and that the new form and explanation of the new process would be posted on the Bureau's website, as well as letters issued to firearm training facilities, in the next week.

Chief Alarcon provided a summary of legislation impacting the Bureau and the industries regulated by the Bureau.

1. Senate Bill 468 – She noted that this is the Bureau’s sunset bill and due to continued discussions regarding several provisions, it is a two-year bill. She noted that the bill addresses various issues throughout all of the practice acts regulated by the Bureau, the most notable requiring a psychological assessment as a condition for obtaining a BSIS Firearms Permit.
2. Senate Bill 1362 – She noted that this bill, which proposed amendments to the Private Security Services Act and Penal Code to expand the authority of security guards employed by the Los Angeles County Metropolitan Transportation Authority, failed to pass out of its house of origin and was therefore essentially dead.
3. Assembly Bill 1859 - She noted that this bill proposed amendments to the Collateral Recovery Act including revising the definition of repossession, making changes relating to the handling, inventorying and storage of personal effects recovered with the collateral and exempting from licensure repossession agency employees who used automated license readers to locate collateral.
4. Assembly Bill 2632 – She noted that the bill proposed amendments to the Private Investigators Act to include investigative journalism as an eligible experience to qualify for the Private Investigator qualifying exam.
5. Senate Bill 1155 – She noted that the bill proposed a waiver of the application fees for specified professional licenses issued by the Department of Consumer Affairs, including those issued by the Bureau, to individuals who served as an active duty member of the US Armed Forces or California National Guard, under specified conditions.

Chief Alarcon announced the public hearing for the Bureau’s Firearm Qualification and Training Regulations was held on May 27, 2016, and that the Bureau was readying its rulemaking package for submission to the Office Administrative Law. She reminded the Committee that the rulemaking packet provided guidelines on the use of firearm simulators for firearms training to obtain and renew a BSIS Firearms Permit; specifically prohibiting the use of a firearm simulator for the purpose of range qualification for an initial firearms permit and limiting the use of a firearm simulator to only one requalification per year. She also noted this rulemaking packet removes the prescribed range targets from the Firearms Training Outline and instead specifies minimum standards for the targets to be used.

Chief Alarcon thanked the Committee for all the suggestions made during prior meetings for the Bureau to develop and disseminate the Alarm and Locksmith Consumer brochures. She stated over the past several months the Bureau has provided copies to the Congress of California Seniors for distribution during its senior rallies and to the California Contractors State License Board for distribution during its monthly Senior Scan Stopper meetings held throughout the state. She also noted that the Locksmith brochure was shared with the California Bureau of Automotive Repairs for use during their consumer outreach efforts and those electronic versions of both brochures are available on the Bureau’s website and Facebook page.

Public Comment on the Discussion of the Bureau Chiefs Remarks/Updates:

None

6. Discussion of Prioritization of BSIS Enforcement Cases

Deputy Chief Connie Trujillo Bouvia presented an overview of how the Bureau prioritizes its enforcement cases. Deputy Chief Bouvia explained that the Bureau prioritizes cases using public and/or consumer protection as the foremost criteria, noting that those cases with the highest potential for public harm are most expeditiously addressed. She also explained that the Bureau uses guidelines similar to the one used by the Department of Consumer Affairs (DCA) as outlined in the *Complaint Prioritization Guidelines for Department of Consumer Affairs (DCA)* which can be found on DCA's website.

In regard to the specific handling of complaints, Deputy Chief Bouvia explained that all incoming complaints are reviewed to determine jurisdiction and prioritization. Additionally, she noted that those cases for which employee safety is a consideration and/or involve criminal activities require that the case to be forwarded to the Department's Division of Investigation (DOI) for investigations.

Committee Comment on the Discussion of Prioritization of BSIS Enforcement Cases:

Member Sandra Hardin asked for clarification of the acronyms that were being used during the presentation; AGPA and DOI and whether the Bureau has begun inspections in the Locksmith Industry.

Deputy Chief Bouvia clarified that an associate government program analyst (AGPA) is an analyst that works in the Enforcement Unit. The Department's Division of Investigation (DOI) staff is comprised of sworn peace officers that may be utilized by the Bureau in cases where law enforcement is needed. Deputy Chief Bouvia also stated that Locksmiths compliance inspections for licensees are tentatively scheduled to begin by the end of this year.

Public Comment on the Discussion of Prioritization of BSIS Enforcement Cases:

None

Chief Alarcon announced that Division of Investigation Area Commander, Rex Cowart, who was scheduled to present agenda item 7 was running late, due to extenuating circumstances, and requested a motion to take the item up later and out of Agenda order.

Member Marcelle Egley made a motion to take item 7 of the agenda out of order. Member Sandra Hardin seconded the motion. The motion to take item 7 of the agenda out of order passed on a 10-0 vote.

7. How the Department of Consumer Affairs Division of Investigation assists the Bureau on Unlicensed Locksmith Cases

It should be noted that this agenda item was taken out of order due to the presenter's late arrival to the meeting. This item was taken up around 11:40 AM.

An overview of the duties performed for the by the Division of Investigation was given by the Northern Area Commander Rex Cowart. Commander Rex Cowart explained that the Division and Bureau have worked together on several unlicensed locksmith cases. In some cases, the Division has conducted stings which revealed that some unlicensed activities being carried out here in California involve business entities outside the State and even country. He noted

that unlicensed Locksmith activity cases are some of the more difficult to investigate given that many consumers secure a locksmith through the internet, which permits businesses to operate in a manner that cannot be easily tracked down.

Stephanie Whitley, Supervising Investigator of the Division's Enforcement Support Unit, explained that the Division has case acceptance guidelines with set criteria to categorize all cases referred from the Department's boards and bureaus, including BSIS. She noted that unlicensed activity cases and consumer protection cases are given a high priority.

Committee Comment on How the Department of Consumer Affairs Division of Investigation assists the Bureau on Unlicensed Locksmith Cases:

Member Sandra Hardin commented that unlicensed activity in her community is a concern and asked what can be done. She cited instances where individuals come to her locksmith business to buy a lock and she knows they are unlicensed. Commander Cowart suggested that all individuals that have had been a victim of unlicensed locksmith activity or suspect unlicensed locksmith activity should file a complaint with the Bureau. He noted the complaint should include as much information as possible on the unlicensed individual including the name and phone number of the company contacted, a physical description of the vehicle used by the person who showed up to perform the work, and the name and physical description of the person who performed the work. He noted that while the complaint can be anonymous, it is better for a complainant to provide his/her name and contact information so that they can be reached as part of the investigation.

Public Comment on How the Department of Consumer Affairs Division of Investigation assists the Bureau on Unlicensed Locksmith Cases:

None

8. Potential Revisions to the Industry Brochure for BSIS Consumer Guide to Repossession Agencies

It should be noted that the Agenda incorrectly identified the name of the guide. Bureau Staff Jennifer Muñoz presented a draft of the Industry Brochure for BSIS Consumer Guide to Vehicle Repossession. After providing a general overview of the information on the brochure, feedback was requested from the Members with the plan of making final revisions and presenting a final version during the next scheduled Advisory Committee Meeting. Ms. Muñoz noted that the Guide is geared toward vehicle repossessions, given that they are the most common, but also pertains to any type of collateral.

Committee Comment on Potential Revisions to the Industry Brochure for BSIS Consumer Guide to Repossession Agencies:

Member Marcelle Egley stated that she would like the opportunity to take more time to review the document and provide feedback at a later date. However, she believes a more prominent distinction should be made on the brochure as to the exact information that a repossession agency tow vehicle must display: either the Bureau repossession agency license number OR the repossession agency business name, address and phone number.

Public Comment on Potential Revisions to the Industry Brochure for BSIS Consumer Guide to Repossession Agencies:

Jerry Desmond with Desmond & Desmond, the legislative advocate for the California Association of Licensed Repossession Agencies commented that he was in agreement with Member Egley's on suggestion. He also suggested that clarification should be provided to further define the term "private property" when used in the brochure.

9. Discussion of Approved Calibers for the Issuance of a BSIS Firearms Permit

Bureau Staff Sam Stodolski presented an overview of the guidelines that the Bureau uses to approve calibers to be listed on a BSIS Firearms Permit. Historically, the Bureau has approved calibers that are listed in the California Department of Justice's (DOJ) *Roster of Handguns Certified for Sale*. Furthermore, given that the DOJ is the agency responsible for the registration of firearms in the State of California, the Bureau is researching whether policy should be adopted to only approve calibers listed on the DOJ's *Roster of Handguns Certified for Sale* for the purpose of a BSIS Firearms Permit.

Committee Comment on the Discussion of Approved Calibers for the Issuance of a BSIS Firearms Permit:

Members Simon Cruz and Douglas Lee expressed concerns with the approach given that the calibers listed on the DOJ's *Roster of Handguns Certified for Sale* are specific to the make or model of a weapon. Bureau Staff Sam Stodolski clarified that the Bureau does not approve the **make or model** of weapon itself; the Bureau only approves the caliber.

Public Comment on the Discussion of Approved Calibers for the Issuance of a BSIS Firearms Permit:

None

10. Proposed Updates to the BSIS Firearms Training Manual

Bureau Staff Sam Stodolski presented an overview of the various items in the Manual that the Bureau has identified in need of revision. Some of the changes include revising the Firearms Training Outline, clarifying training procedural language, and updating all statute references. He also noted that the Bureau wanted to add language pertaining to approved targets and updating training information and scenarios for the Avoidance of Deadly Force and the De-escalation of Force contained in the manual. Lastly, the information in the Manual pertaining to Peace Offices needed to be updated. Mr. Stodolski noted that if individuals have suggestions for other changes, that they should be submitted to the Bureau via the BSIS email account.

Committee Comment on the Proposed Updates to the BSIS Firearms Training Manual:

Member Simon Cruz suggested adding a malfunction clearing procedure, clarifying that applicable concealed permits are only those issued by a California law enforcement agency, and updating references from "one year" to "12-month period" in regard to range requalification requirements.

Member Mathew Lujan suggested establishing a work group to review and update the Manual. Member Javier Gonzalez suggested involving individuals actively involved in the law enforcement industry to assist in the Manual update.

Public Comment on the Proposed Updates to the BSIS Firearms Training Manual:

None

11. Proposed Revisions to the BSIS Law Enforcement Fact Sheet by Committee Workgroup

Chief Alarcon explained that during the last meeting a committee member workgroup was established to review and provide input on the Bureau's draft BSIS Law Enforcement Fact Sheet. Member Lynn Mohrfeld, who was one of the members of the workgroup, explained that the suggested edits mainly consisted of formatting and layout changes. He thanked all individuals involved in this process for their efforts.

Chief Alarcon requested a motion to adopt the Fact Sheet. Member Javier Gonzalez made the motion and Member Aaron "Riley" Parker seconded it.

Committee Comments on the Proposed Revisions to the BSIS Law Enforcement Fact Sheet by Committee Workgroup:

The Committee discussed the format for the fact sheet that would be best for distribution. Both Members Todd Inglis and Douglas Lee suggested coordinating with local law enforcement agencies and providing them with an electronic version for distribution in addition to a hard copy document.

Public Comments on the Proposed Revisions to the BSIS Law Enforcement Fact Sheet by Committee Workgroup:

Bryon Bayer, the Qualified Manager for Safeguard, Inc., suggested distributing the BSIS Law Enforcement Fact Sheet in an electronic format that is searchable.

G. Albert Howeinstein Jr. suggested this document or an expanded document should become part of law enforcement professional training to assist them in defining the role of the private security industry.

Robert C. Smith, CEO and President of Night Club Security Consultants, noted that some statutory references authorizing local law enforcement to issue misdemeanor citation was missing.

As a result of the substantive input received from the Committee and the public, Chief Alarcon suggested that the motion to adopt the Fact Sheet be reconsidered to provide Bureau staff time to incorporate the suggestions into the brochure. The motion to adopt the Fact Sheet was withdrawn by Member Javier Gonzalez.

12. Potential Revisions to the Private Investigator Pocket Card

Chief Alarcon commented that in response to the Bureau receiving various requests to revise the pocket identification cards issued to Private Investigator (PI) licensees, the Bureau developed a survey, which was posted on a public website, to gather information from PI licensees on the specific changes being sought. Bureau Staff Carl Berman provided a summary of the survey results and noted that based on the comments received it appeared that many PI licensees who responded to the survey were using an older version of the pocket identification card.

Chief Alarcon noted that in June 2014, the pocket identification cards were revised and that the revisions addressed several of the complaints noted in the survey. She also noted that the survey results indicated there is confusion between the licenses the Bureau issues and the pocket identification card. Lastly, she noted that if the pocket identification cards were to

be used as the proof of licensure document, then amendments to the section of law detailing the specifications for the pocket identification cards would likely be needed.

Committee Comments on the Potential Revisions to the Private Investigator Pocket Card:

Member Aaron Parker commented that as a licensed Private Investigator he is satisfied with his current pocket identification card. He noted that if the industry desires to have the license and the pocket identification card to be one in the same that a legislative change would be required.

Public Comments on the Potential Revisions to the Private Investigator Pocket Card:

Jerry Desmond with Desmond & Desmond, on behalf of the California Associate of Licensed Investigators (CALI), commented that he appreciated the Bureau's efforts with the survey and that the survey results would be evaluated to determine whether CALI would like to sponsor legislation to revise the pocket identification card.

13. Establish Meeting Schedule for Future Advisory Committee Meetings

Chief Alarcon noted the current meeting schedule involved holding a meeting on the first Thursday of the months of January, April, July and October. Member Aaron Parker suggested to maintain the current quarterly schedule, but to move the meetings to the second Thursday of the month.

Chief Alarcon requested a motion to change the quarterly meetings to the second Thursday of January, April, July and October.

Member Mathew Lujan made the motion and Member Douglas Lee seconded it. The motion to hold meetings quarterly on the second Thursday of January, April, July and October passed on an 11-0 vote.

Public Comment on Establishing a Meeting Schedule for Future Advisory Committee Meetings:

None

14. Public Comment on Items Not on the Agenda

Bryon Bayer, the Qualified Manager for Safeguard, Inc., suggested the Committee hold discussions regarding Security Guard training regulations and enforcement actions on Private Patrol Operators and Training Facilities that are not meeting training requirements.

15. Future Advisory Committee Meeting Agenda Items

- Committee Member Sandra L. Hardin requested an expansion on the discussion of unlicensed activity in the Locksmith industry.
- Member Tim Westphal requested a discussion regarding unlicensed activity for each industry and an update on Senate Bill 468.
- Member Simon Cruz requested a discussion on whether refresher training requirements should be considered for baton permits.
- Member Matthew Lujan requested a discussion to establish a work group to review and update to the BSIS Firearms Training Manual as well as a discussion regarding online training; specifically, the Power to Arrest and Weapons of Mass Destruction for Security Guards and Proprietary Private Security Officers.

- Member Javier Gonzalez requested continued updates on pending legislation relating to the private security industries.

16. Adjournment

Member Lynn Mohrfeld made a motion to adjourn the meeting. The motion was seconded by Member Marcelle Egley. The motion to adjourn the meeting passed on an 11-0 vote and the meeting adjourned at 2:16 PM.