

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

Department of Consumer Affairs
1625 North Market Blvd.
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)
Thomas M. Uretsky (Proprietary Private Security Industry)

Public Members Present

Lynn S. Mohrfeld (California Hotel & Lodging Association)
Nancy Murrish (Congress of California Seniors)
Javier Gonzalez (California Restaurant Association)

Members Not Present

Tim B. Westphal (Alarm Industry)
James B. Gordon, Jr. (Consumer Federation of California)

Department of Consumer Affairs - Legal Staff Present

Shela Baker - Legal Counsel

Bureau Staff Present

Laura Alarcon – Chief
Clarisa Serrato-Chavez - Deputy Chief
Connie Bouvia - Deputy Chief
Samuel Stodolski - Policy & Administration Manager
Marco Bautista – Licensing 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.

3. Roll Call/Establish Quorum

Roll was taken and 7 committee members were present. Quorum was established and Chief Alarcon noted the meeting official start time as 10:10 AM.

Note: Committee Member Marcelle Egley arrived at 11:40 AM.

Chief Alarcon announced Mr. Javier Gonzalez, who was scheduled to be sworn in as a new Committee member by DCA Director Awet Kidane, was running late due to extenuating circumstances, and requested a motion to take item 2 of the meeting out of Agenda order.

Committee Member Mathew Lujan made a motion to take item 2 of the agenda out of order. Committee Member Aaron "Riley" Parker seconded the motion. The motion to take item 2 of the agenda out of order passed on a 7-0 vote.

4. Approval of Minutes from July 2, 2015

Committee Member Aaron "Riley" Parker made a motion to approve the minutes from the July 2, 2015 Advisory Committee Meeting. Committee Member Matthew Lujan seconded the motion. The motion to approve the July 2, 2015 minutes passed on a 7-0 vote.

2. Introduction and Swearing in of Advisory Committee Member Javier Gonzalez by Department of Consumer Affairs Director Awet Kidane

This agenda item was taken out of order due to Javier Gonzalez late arrival to the meeting. DCA Director Awet Kidane administered the Oath of Allegiance and swore in Javier Gonzalez as a Committee member. Chief Alarcon announced that Javier Gonzalez is a public member of the Committee and is a representative of the California Restaurant Association.

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

Chief Alarcon began her update by noting that the past 14 months have been an extraordinary time for the Bureau, with having gone through its first legislative sunset review and transitioning to the Department of Consumer Affairs Licensing and Enforcement System known as BreZE. Chief Alarcon stated that the Bureau's success in both of these efforts was directly related to the efforts of all Bureau staff. She thanked them for their dedication and commitment, noting the specific contributions of Deputy Chief Clarisa Serrato-Chavez, Deputy Chief Connie Trujillo Bouvia, Licensing Analysts Sharmaine McClain and Andrea Dailly, Enforcement Analyst Terri Williams and Policy Analyst Marci Sturtevant.

Chief Alarcon noted that with these efforts now completed, moving forward the Bureau would be focusing on operational improvements and efficiencies specifically in the licensing area. She provided examples of these new efforts including that the Bureau was revising and separating the Firearms Permit application into two forms, an initial application and renewal application; updating the active duty peace officer exemption information on the BSIS website; and updating license applications and information on the Bureau's website.

Chief Alarcon provided a summary of legislation impacting the Bureau and the industries regulated by the Bureau, beginning with bills chaptered in 2015.

1. Senate Bill 177- Extended the sunset date to January 1, 2019 in the Alarm Company Act to allow companies to be licensed as a Limited Liability Company.
2. Assembly Bill 281- Amended the Collateral Recovery Act to establish a Disciplinary Review Committee, effective July 1, 2017, for Repossession Agencies and their employees to appeal Bureau's denial of licensure as well as fines issued by the Bureau.
3. Assembly Bill 921- Amended the Private Investigator's Act to establish a Disciplinary Review Committee, effective July 1, 2017, for Private Investigator licensees to appeal

application denials and fines, and permit qualifying experience for licensure to be gained under a qualified manager and a non-employer-employee relationship.

4. Assembly Bill 1097- Amended the Alarm Company Act to permit contract activities relating to alarm systems to be carried out electronically, including electronic signatures, in accordance with the Uniform Electronic Transactions Act.

Chief Alarcon noted one bill that was vetoed by the Governor in 2015, Assembly Bill 1042, which would have revised the definition of a Proprietary Private Security Officer in the Proprietary Private Security Act.

Chief Alarcon then identified the bills currently moving through the Legislature:

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 which were identified by the Legislature during the Bureau’s sunset review process. The most notable provision in the bill relates to requiring a psychological assessment as a condition for obtaining a BSIS Firearms Permit.
2. Senate Bill 1362 – Proposes 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.
3. Assembly Bill 1859 - Proposes amendments to the Collateral Recovery Act to amend the definition of repossession and revise the handling, inventorying and storage of personal effects recovered with the collateral. In addition, the amends several sections of the Vehicle Code relating to repossession activities.
4. Assembly Bill 2632 – Proposes amendments to the Private Investigators Act to include investigative journalism as an eligible experience to qualify for the Private Investigator qualifying exam.

Chief Alarcon announced the Office of Administrative Law’s public notice for the Bureau’s Firearm Training Simulator Regulation was scheduled for release on April 8, 2016. This regulation packet provides guidelines on the use of firearm simulators for the required firearms training to obtain and renew a BSIS Firearms Permit. She noted that the public hearing on the proposal was scheduled for May 27, 2016.

Chief Alarcon provided an update on the Bureau’s exam development workshops noting that the new Private Investigator exam began to be used in September 2015. She commented about the difficulties the Bureau is encountering in getting Repossession Agency Qualified Managers to volunteer as Subject Matter Experts for the Occupational Analysis Workshops, which are the first step in the Repossession Agency Qualified Manager exam development process, and if the Bureau was unable to obtain a sufficient number to proceed with the analysis that it would need to reach out to repossession employees and possibly utilize Bureau staff. She closed her exam development update by sharing that the Bureau anticipates beginning recruitment for the Alarm Company Qualified Manager exam development at the end of the year.

Chief Alarcon commented that there was a general misunderstanding of the Bureau’s target paper application processing time of 4-6 weeks. She noted that paper applications are processed by the DCA Cashiering Office first and that it can take up to 12 business days from

the date Cashiering receives the application for the Bureau to receive it. She clarified that the average total process time for non-deficient paper applications is 6-8 weeks and that current processing times, as a result of the BreEZe transition, was 8 weeks.

Chief Alarcon informed the Committee that in spite of reminders issued through the Bureau's Interested Parties List e-mails and past Committee meetings, the Bureau continues to receive a significant number of outdated applications. She commented that laws have changed the requirements on the applications, notably, the conviction question and the option of an Individual Tax Information Number, and outdated applications are considered a deficiency. She encouraged using applications from the Bureau's website and subscribing to the Bureau's Interested Parties List to stay informed of changes.

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

None

6. Discussion Regarding the use of BreEZe, the Department of Consumer Affairs online licensing and enforcement system.

Bureau Staff Andrea Dailly presented an overview of the services BreEZe offers to both applicants and licensees. Notably, applicants and licensees can submit applications, make payments and change and/or update license information online using BreEZe. Information on the DCA License Search, filing a complaint and help tutorials for the BreEZe system was also provided.

Public Comment on the Discussion of the use of BreEZe:

Robert Charles Smith representing Night Club Security Consultants, an Approved Proprietary Private Security Officer (PPSO) Training Provider, suggested the Bureau collect a copy of the training certificate an individual receives once the required PPSO training is completed and post a copy of said certificate within the DCA License Search platform so that it is viewable when verifying individuals license information.

Chief Alarcon responded to Mr. Smith that although the Proprietary Security Services Act requires the training to be completed as a condition for obtaining a registration, the Act does not authorize the Bureau to collect that certificate and it is incumbent on the employer to ensure that PPSO is registered and has completed the training.

8. Discussion on the Most Common Issues that Can Affect or Delay Initial Licensure

Bureau Staff Jennifer Munoz discussed frequent licensing application deficiencies and provided suggestions on how to avoid said deficiencies.

- All applications submitted should be on the current version of the application, and that the current versions are available on the Bureau's website.
- All fields on the application should be completed.
- All personal identification information listed on the application should be identical to the personal identification information listed on the live scan form to enable the fingerprint responses to match automatically with the application.
- Applicants should make sure they are using the live scan form associated with the license type of their application.
- Applicants should ensure they are paying the application fee noted on the application form.

Chief Alarcon provided information on the different types of fingerprint responses the Bureau receives from the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) and commented that the Bureau's review of an applicant's conviction record information is on a case-by-case basis. She noted that legally the two principle factors involved in the Bureau's review are substantially related and rehabilitation. She noted that the substantially related assessment involves determining the degree a criminal act relates to the duties of the license and whether it evidences a potential unfitness of the applicant to perform those duties in a manner consistent with the public's safety. Further, the rehabilitation assessment involves determining the extent the applicant is reformed and unlikely to reoffend with the factors considered including the nature and severity of the violation, the age of the conviction, evidence of ongoing and repeated criminal convictions, whether the conviction was subsequently dismissed through the court in accordance with the law, character references and documentation of rehabilitation.

Committee Member Matthew Lujan asked when the background review process takes place; specifically, is it after the denial of an application. Chief Alarcon responded that if the applicant provides information on conviction and rehabilitation documentation with their application, the information is reviewed in conjunction with any conviction record information received and that all information is considered for the licensure determination. Further, if the Bureau denies a license application, the applicant has the ability to appeal the decision and provide any rehabilitation documentation at that time as well.

Committee Member Simon Cruz asked if it would cause a delay if the applicant owes taxes or child support. Senior Policy Analyst Jennifer Munoz responded that child support issues will not delay licensure, but may affect the license once it is issued.

Public Comment on the Most Common Issues that can Affect or Delay Initial Licensure:

None

Lunch

The committee adjourned for lunch from 11:57 am -1:00 pm.

9. Discussion on the Distribution of Consumer Brochures for Alarm and Locksmith Industries

Chief Alarcon announced that the Consumer Guide to Alarm Companies and the Consumer Guide to Locksmith Companies brochures that were approved by the Committee during the July 2, 2015, meeting, are now available on the Bureau's website and in the lobby of the DCA Headquarters. Chief Alarcon asked Committee Member Nancy Murrish, who represents the Congress of California Seniors, for suggestions on further distribution of the brochures.

Committee Member Nancy Murrish stated that her organization can send out the links to the brochures electronically to their member organizations and senior centers. She also requested hard copy prints of the brochures so they can be distributed at organization events throughout the remainder of the year in addition to being available at their Sacramento and Los Angeles office locations.

During the Committee discussion additional suggestions were made to utilize social media to distribute the brochures electronically. Contacting consumer advocacy groups, legislative

offices, home owner associations and law enforcement agencies in providing them with hard copies of the brochures, electronic versions of the brochures or a link to the Bureaus webpage where the brochures are located.

Public Comment on the Distribution of Consumer Brochures for Alarm and Locksmith

Industries:

None

10. Discussion of Proposed Revisions to the BSIS Law Enforcement Fact Sheet and Potential Recommendation to Establish Committee Members to Serve on a Workgroup to Develop a Draft Prototype

Chief Alarcon commented that during the Bureau's Sunset Review, the legislative committees noted the Bureau needed to identify other means by which it is made aware of firearm discharge incidents involving armed guards. Toward this effort, the Bureau identified enhancing its collaboration with local law enforcement and during the July XX, 2015 meeting presented a draft fact sheet to educate law enforcement on the BSIS licensing requirements.

Bureau Staff Carl Beermann presented a revised fact sheet, which incorporated feedback received from members during the last meeting. Carl noted that the fact sheet was made into a one-page document; the differences between the licenses in the Private Security Services Act and Proprietary Private Security Service Act were further defined; a quick reference of Business and Professions Code sections for citation authority was incorporated; and contact information for the Bureau's Enforcement Manager was added.

The Committee discussed and suggested additional edits for consistency throughout the document and moving the summary to the top of the page rather than having it at the bottom of the page.

Chief Alarcon reminded the Committee of a suggestion that was made during the previous meeting to form a workgroup of two Committee Members to serve for additional review and revisions of the fact sheet and asked if there was continued interest in this course of action.

Committee Member Javier Gonzalez made a motion to establish a work group to revise the Law Enforcement Fact Sheet. Committee Member Aaron "Riley" Parker seconded the motion. The motion to establish a work group to revise the Law Enforcement Fact Sheet passed on a 9-0 vote.

Committee Member Marcelle Egley made a motion for Thomas Uretsky to serve as a member of the work group to revise the Law Enforcement Fact Sheet. Committee Member Javier Gonzalez seconded the motion. The motion for Thomas Uretsky to serve as a member of work group to revise the Law Enforcement Fact Sheet passed on a 9-0 vote.

Committee Member Thomas Uretsky made a motion for Lynn Mohrfeld to serve as a member of the work group to revise the Law Enforcement Fact Sheet. Committee Member Sandy Hardin seconded the motion. The motion for Lynn Mohrfeld to serve as a member of the work group to revise the Law Enforcement Fact Sheet passed on an 8-0 vote.

Public Comment on the Discussion of BSIS Law Enforcement Fact Sheet:

Robert Charles Smith, representing Night Club Security Consultants, made several suggestions to enhance the Law Enforcement Fact Sheet. He also informed the Committee that his Company has developed and distributed a quick reference guide for two Law Enforcement agencies and that he was willing to provide copies to the Committee.

11. Public Comment on Items Not on the Agenda

Barry Bradley, of Bradley & Gmelich, stated that he serves as volunteer legal advisor to the California Association of Licensed Security Agencies (CALSA). Mr. Bradley asked where the Bureau sees itself with regard to enforcement, and if the focus is on education versus enforcement.

Chief Alarcon commented that the goal of any licensing regulatory agency is to promote compliance to the requirements of the applicable practice acts. In response to Mr. Bradley's request for specific areas, Shela Barker noted that pursuant to the Open Meetings Act (Act) substantive discussion could not be carried out since the issue was not noted on the meeting agenda. Ms. Barker also noted that while questions and comments would be accepted, only a cursory response from the Committee would be appropriate in accordance with the provisions of the Act.

12. Future Advisory Committee Meeting Agenda Items

- Committee Member Sandra L. Hardin requested a discussion regarding unlicensed activity in the Locksmith community.
- Committee Member Thomas Uretsky requested an agenda item relating to the Bureau's priorities for enforcement.
- Committee Member Simon Cruz requested a discussion on approved calibers for Firearms Permits; specifically, whether there are limitations on what calibers are acceptable.
- Committee Member Matthew Lujan requested an update on the enhancements and the progress of BreEZe License Search and application status updates. He also requested a discussion regarding online training regulations; specifically, the Powers to Arrest and Weapons of Mass Destruction for Security Guards and Proprietary Private Security Officers.
- Committee Member Marcelle L. Egley also requested an update on the enhancements and the progress of BreEZe.
- Committee Member Lynn Mohrfield requested an update on how the BreEZe implementation is progressing, the metrics of the system and statistical data.
- Committee Member Riley Parker requested a discussion exploring the possibilities of enhancing the Private Investigator Identification card.
- Committee Member Javier Gonzalez requested continued updates on pending legislation relating to the private security industries.

13. Adjournment

Committee Member Aaron "Riley" Parker made a motion to adjourn the meeting. The motion was seconded by Committee Member Javier Gonzalez. The motion to adjourn the meeting passed on a 9-0 vote and the meeting adjourned at 2:00 pm.