



Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes
For **April 18, 2024 Meeting**
WebEx Teleconference Meeting

Industry Members Present (All Remote)

Frank Huntington III (Private Investigator Industry)
Mark Miller (Private Patrol Operator Industry)
Chris Sayers (Proprietary Security Industry)
Leon Scroggins (Repossession Industry)
Darren Morgan (Public Member)
Anton Farmby (Public Member)

Bureau Staff Present

Lynne Jensen – Chief
Samuel Stodolski – Assistant Chief
Kerry Ortman – Policy and Administration Unit Manager

DCA Staff Present

Matthew Wainwright – DCA Legislative and Regulatory Manager

Minutes Taken By

Valerie Peterson – BSIS Policy Analyst

1. Call to Order / Roll Call

The meeting was called to order at 10:01 am by Chief Lynne Jensen. BSIS Policy Analyst, Valerie Peterson, called roll.

2. Review and Approval of Advisory Committee Meeting Minutes from November 16, 2023 and August 17, 2023

No vote as quorum was not established. Chief Jensen did open the floor to the committee members for any questions about the previous meeting minutes. Q&A was closed with no questions from the committee members. Public comment was held until a motion is made.

3. Department of Consumer Affairs Executive Update

At 10:04 am, Chief Lynne Jensen welcomed department updates from Matthew Wainwright with Department of Consumer Affairs' (DCA) Legislative Affairs Division.

Matthew Wainwright provided that the Department of Consumer Affairs will host an in-person Meet and Greet with Secretary Tomiquia Moss and Executive Leaders on April 30, 2024 to serve as an opportunity to meet the new Secretary and hear her vision for the Agency and the Department. Invites were sent to Executive Offices, Board and Bureau Chiefs, Board Members and Advisory Committee Members. Any questions for Secretary Moss are encouraged to be submitted to their Executive Officer or Bureau Chief.

Matthew shared that last month, 11 DCA Boards and Bureaus, including BSIS, participated in sunset review hearings at the state capital. The hearings went very well and DCA is proud of the hard work and dedication to the process but most importantly, to protecting California's consumers.

Matthew moved on to give an update regarding a new US Dept. of Education regulation that will go into effect on July 1, 2024. The regulation will impact Title IV funding for students of Boards and Bureaus that approve non-degree schools leading to licensure.

Next Matthew provided an update on DCA's Diversity, Equity and Inclusion (DEI) program, whose Steering Committee held its last meeting on April 5, 2024. The Committee discussed DEI actions, priorities, and language access. Matthew reminded those present that DCA's Learning Management System has many DEI-related training courses available to Board and Bureau members.

Matthew shared that DCA's Office of Public Affairs staff will participate in two Facebook Live events, hosted by the Consulate of Mexico during its financial education week. Staff will present, "Get to Know DCA" in Spanish and share a board overview of consumer and licensing resources.

Matthew announced that in the next few months, DCA will be developing workforce development outreach opportunities for all Boards and Bureaus to participate in.

Matthew then stated that last month, DCA's Division of Investigations (DOI) updated the complaint prioritization and referral guidelines for the Healing Arts Boards. The new guidelines are in effect and should be used to evaluate complaint referrals.

Matthew ended his update by thanking all Board members and Executive officers on behalf of DCA's Board and Bureau Relations who helped DCA achieve compliance, as this year's annual Form 700 period comes to a close.

Finally, Matthew opened the floor for any questions from committee members. Member Anton Farmby asked if DCA's DEI piece is open to Advisory Members. Matthew responded that he will need to check with Board and Bureau Relations and will get back to him. Anton then asked if the April 30th event with Secretary Moss is going to be a formal event or more of a conversational type of meeting? Matthew answered that he didn't have any more details beyond what was provided for the update and asked Chief Jensen if she had any more information. Chief Jensen responded that she did not but that it was her understanding that it was for staff only but she will check and get back to Anton. Anton added that great work is being done and wanted to propose that the Advisory Committee and Chief Jensen share with Secretary Moss and gather some feedback from her. There were no further questions from the Committee and the session was closed.

Public comment was opened. There was no public comment.

4. Bureau Chief's Introduction, Welcome Remarks, and Bureau Updates

At 10:13 am, Chief Jensen thanked and expressed her gratitude to Committee Members for their attendance and for volunteering their time. She advised that the Advisory Committee now has two public member openings, an alarm industry opening, and a training facility opening and encouraged interested parties to reach out and apply for the vacancies. Chief Jensen reminded the attendees that being a Public Member of the committee means you cannot hold a license with the Bureau.

Chief Jensen notified the committee that the Bureau is partially through the sunset review process in the Legislature. The bill is now in the Senate Judiciary Committee where it is scheduled to be heard on April 23, 2024 and is expected to pass through smoothly. Governor approval is expected. Chief Jensen informed the attendees that Senate bills are unique in that it is the only opportunity boards and bureaus get to present their wish lists into legislation, as bureaus do not sponsor legislation.

Next, Asst. Chief Stodolski presented the Bureau's wish list that was identified in the sunset report as well as some of the proposals the Bureau put forth. Asst. Chief Stodolski advised that the Bureau has also added language to push for online submission of all licensing applications.

He stated that the Bureau is also looking at adding authority to issue infraction citations for private security.

Asst. Chief Stodolski reported that less than lethal weapons certification was also proposed.

Chief Jensen reiterated that this was just the beginning of the wish list process. She recommended that if there are any issues with the proposals, to reach out to the Legislature because they need to know your opinion.

Chief Jensen announced that the regulations for Assembly Bill 229 were approved in early December by the Office of Administrative Law. The Bureau is currently in the education portion of implementation but will shortly be moving into the enforcement portion.

Chief Jensen informed the committee that the Governor's Office issued a declaration that all State workers come back to the office two days a week. She let them know that this does not impact the Bureau as staff are already on an office-centered hybrid schedule.

Chief Jensen again encouraged all to apply for licenses online using the BSIS website and BreEZe, as it drastically improves processing time and makes it possible to receive approval within a couple of days, especially for guards, if there are no outstanding issues. She also suggested applicants email the Bureau by visiting the website and finding the email address for the particular license rather than calling the 1-800 number or 916 numbers, as they are answered by DCA call center employees. If you email the Bureau, it goes directly to the subject matter expert and the employees in the BSIS unit.

The Chief advised that the Department of Justice (DOJ) is still taking more time than usual to approve fingerprints.

Chief Jensen provided that BSIS is currently at almost 80 positions.

Chief Jensen opened the discussion for questions from the committee members. Member Leon Scroggins asked Asst. Chief Stodolski for the statute number he had mentioned earlier for unlicensed Repossessors. Asst. Chief Stodolski responded it was Section 125.9, in the DCA General Provisions. Member Anton Farmby recommended a review of equipment for security officers due to current trends that are making it more dangerous to work as a security officer. Chief Jensen stated that the Bureau does not license tasers or any other less than lethal weapons and the Bureau's statutes specifically prohibit replica or simulated firearms. Discussion regarding tasers and less than lethal weapons followed. Member Miller expressed his support for going online with applications and asked which licensures are being suggested this round? Chief Jensen answered that the Bureau is attempting to require all licenses online only. Mark asked if the increase in BSIS positions will necessitate fee changes? Chief Jensen advised that it will be addressed later on in the Agenda, and that the anticipated Budget year +3 will be in the red, necessitating approximately a 10% fee increase across the board.

Committee questions were closed as there were no more questions/comments.

Chief Jensen then opened the floor for public questions/comments. A public comment was raised asking if a pepper gun is of a distinct color, would that be allowed? Chief Jensen and Asst. Chief Stodolski responded no and to keep in mind that the Practice Act specifically prohibits guards from carrying replica or simulated firearms. Edwin Torres, current licensee, asked where the public can view the list of proposals mentioned by Asst. Chief Stodolski? Chief Jensen answered that at this point, the list is not public as it is still being negotiated but to keep an eye on SB 1454 through legislative alerts via the public website. Jerry Desmond with CALI commented on the proposal relating to private investigators' written agreements and record retention. Mr. Desmond referenced the SB 1454 analysis statistics and brought up the strict confidentiality that is held in high regard. Chief Jensen answered that the problem is large enough that it's being recognized as a long-time problem for the Bureau and that often, when the Bureau receives complaints about PIs, it is difficult to ascertain the complete picture. Asst. Chief Stodolski added that this is an issue where discussions have been had in the past and he had hoped that the industry would have been able to resolve the problems themselves. If the language makes it into the bill, discussions will be had with industry to see what works for both consumer protection and private investigators. Alex Haddox with Security Training Center commented that the pepper spray gun is a non-issue, as according to the Penal Code, anything that shoots or follows a projectile chemical agent is illegal. Mr. Haddox asked about SB 229 and online training. He stated that BSIS has never stated when Power to Arrest and Weapons of Mass Destruction certificates and paperwork will no longer be accepted. Chief Jensen answered that the Bureau does not necessarily send out messages to businesses based off the Bureau's requirements but there have been multiple postings on the Bureau's website about these regulations and lots of chatter in these Advisory Committee Meetings. She further clarified that 50% in person and 50% online became effective December 1, 2023. She also stated that while the Bureau is not enforcing just yet, as of the effective date, all online-only training must cease. Asst. Chief Stodolski commented that the Bureau is taking time to provide education to licensees, and is working with online trainers by giving them time to revamp their training so it's more aligned with live training. The Bureau is working on the educational phase, but companies should be transitioned over by now being that it's almost May and the regulations went into effect December 1, 2023. Mr. Haddox commented that his research has shown that no one has ceased, and the physical schools are competing with online only programs. Chief Jensen and Asst. Chief Stodolski answered that enforcement has been reaching out with education and that the companies run the risk of their certificates not being accepted by our enforcement analysts. Mr. Haddox suggested that a set date for compliance would be helpful. Chief Jensen commented that the December 2023 date has already been announced and that the Bureau is currently handling multiple complaints over online trainings continuing. Chief Jensen

added that the partial online plus partial in-person courses sets up a two-tier system for the guards that they will have to muddle through to be properly certified.

Public comment was closed as there were no questions/comments.

5. Update on the Bureau's Licensing Unit

At 11:00 am, Chief Jensen handed over the update to Asst. Chief Stodolski, who presented for the Licensing unit.

Asst. Chief Stodolski announced that Andrea Dailly was appointed Deputy Chief of Licensing (DC-L) at BSIS a few months ago. Deputy Chief Dailly wants to streamline the format of the licensing updates. Asst. Chief Stodolski asked the committee to submit any suggestions that they would like to see, and the Bureau will take them into consideration.

Asst. Chief Stodolski announced that baton permits went live in January 2024. The Bureau is now issuing baton permits directly to the licensees. Paper applications went live January 9, 2024, while the online portal opened up in February 2024. The Bureau is working with several training facilities to get them up to speed.

Asst. Chief Stodolski reported that the Bureau is starting the process of implementing the new Qualified Manager requirements from AB 1244.

Chief Jensen opened the discussion for comments and questions from Committee Members. Q&A was closed with no questions from the committee members.

Chief Jensen then opened the discussion for Q &A from the public. Austin Tharp commented that legitimate forms of government operate at the consent of the public; however, BSIS pushes legislation without input from the stakeholder and continues to enforce underground regulations. He suggested that the Advisory Committee be converted to a formal, civilian oversight committee that advises BSIS and oversees the Bureau. Mr. Tharp stated that the Bureau regularly overreaches its authority, and that civilian oversight is needed with accountability. Another public comment was raised asking if he is already a qualified manager, would he be grandfathered into the new qualifications? He is in the process of becoming a licensed PPO and submitted his application about a month and a half ago. Asst. Chief Stodolski responded that historically, after passing the examination, you're issued a QM designation that is good for life. The problem that the Bureau was running into is that an individual QM license was difficult to take disciplinary action on, as the bad QMs were jumping from PPO to PPO, so as a result there are no grandfather provisions. Once this gets implemented, you will be provided a renewal notice and then you will go in and renew the QM and it becomes a separate license. The public commenter then asked about the minimum

qualifications for PPO and Asst. Chief Stodolski confirmed that the exam had already been passed and qualifications met at that time. The next public commenter suffered technical issues and was not able to ask his question. Chief Jensen informed him of the BSIS email address to write in his question with a 24-48 hour turnaround time for non-complex questions. Chief Jensen read a question from the typed, public comments asking why it is taking 125 days to complete PPO applications? She responded that they can actually take longer to complete, 6 months up to a year, depending on any mistakes, deficiencies, how quickly a QM is certified, any number of things. A license to operate a business is a lengthy process with numerous back and forth communications.

Seeing no additional questions from the public, questions and comments regarding licensing were closed.

6. Update on the Bureau's Enforcement Unit

At 11:13 am, Chief Jensen brought back Asst. Chief Stodolski to give the Enforcement update.

Asst. Chief Stodolski reminded the committee that Deputy Chief, Ruby Montoya, was appointed over Enforcement and that in December 2023, Terri Williams, was appointed the Manager over Complaint Intake/Complaint Resolution.

Asst. Chief Stodolski reported that 32% of pending investigations are for unlicensed activity and 40% of the citations issued this year have been for unlicensed activity. Fewer citations have been issued this past fiscal year as there has been more focus on education since the new proprietary laws have gone into effect. With the new training requirements, enforcement staff are doing a lot of education and outreach efforts.

The Bureau is reclassifying a few positions to acquire more special investigators. This has been identified in Sunset and the program has been successful out in the field.

The Bureau is also working on updating the Enforcement website. The intent is to be able to publish all the unlicensed activity, citations, formal discipline, etc. and make a landing zone available.

Asst. Chief Stodolski asked for comments and questions from the Advisory Committee members. Q&A was closed with no questions from the committee members.

Chief Jensen opened the discussion to the public. There were no comments or questions.

7. Update on Legislation Impacting the Bureau and Private Security Industries

At 11:19 am, Chief Jensen introduced Kerry Ortman, Policy and Administration Unit Manager, whose unit tracks legislation, regulations and policy changes impacting the Bureau. Ms. Ortman presented the legislative update.

Chief Jensen opened the discussion for comments and questions from Committee Members. There were no questions from the Committee Members.

Chief Jensen then invited public comment. There were no public comments, and the session was closed.

8. Update on Enacted or Pending Regulations

At 11:23 am, Chief Jensen asked Policy Manager, Kerry Ortman, to update the committee on current pending regulations. Fee regulations are in the works and upon following the timeline, will be made public. Chief Jensen added that these pending fee adjustments are anticipated to be worked on for the better part and remainder of this year. They are expected to go over to the Office of Administrative Law by the end of the year. Implementation date is to be determined. Asst. Chief Stodolski added that back in 2017/18, when the fee audit was done for private security and PI funds, a 40% increase was recommended but the Bureau only went with 30%, saving 10% for later. A lot of work has been done addressing ways to be more efficient in the Bureau, educating applicants and trying to reduce the number of deficient applications. Based off of the audit, the Bureau was able to buy some time when it could have been in the red as of last year. The 10% increase goes back to the original recommendation and with the fee increase, a desk audit is being done, evaluating workload and looking at new processes.

Chief Jensen opened the discussion to questions from committee members. Chief Jensen added that the Bureau has statutory authority to raise the fees based on legislature that was passed some years ago before her time at the Bureau. There were no Committee comments or questions.

Chief Jensen then opened the meeting to public comment regarding enacted and pending regulations. Austin Tharp asked how the fee proposals are used and why there is a 300% increase in some cases? Chief Jensen answered by stating that no fees have been published so unsure where that information is coming from? Austin inquired about a civilian oversight committee since other major departments such as fire, police and so forth have them. Chief Jensen answered that the Bureau is not a law enforcement board, it is a regulatory bureau, and this structure is common for regulatory bureaus. The next public commenter had more technical difficulties so Chief Jensen read his typed comments regarding email and receiving a call back from the Bureau. She suggested that he email and ask specific questions so that it can be directed to the

correct person who can then contact him. Chief Jensen then addressed the other questions in the comments regarding how the fees at the Bureau are used and that information about the Bureau's budget is on the BSIS website under the annual report for the public to see. The Chief explained that fees help track down unlicensed activity, acquire more staff so that processing times decrease, which then helps to get licenses in the hands of applicants faster, along with numerous other necessary uses by the Bureau. A question was typed into the comments asking about the reassignment fee and Chief Jensen asked Asst. Chief Stodolski to address that question, as it was before her time at the Bureau. Asst. Chief Stodolski stated that the reassignment fee is only authorized under the PI and Alarm Act in regard to being able to reassign a license from one entity to another.

There were no other public comments, and the session was closed.

9. Public Comment on Items Not on the Agenda

At 11:33 am, Chief Jensen opened public comment for items not on the agenda, reminding the attendees that this session is just for items to be noted to discuss at a future meeting. Edwin Torres questioned why BSIS no longer posts the Advisory meetings on their YouTube channel, stating that he thinks it will be beneficial to have those available for the public to view after the meetings are concluded. Chief Jensen read a typed comment regarding uniforms not being returned to PPOs when guards are terminated or no longer licensed. Chief Jensen read the next comment asking about an appeals process in place for various activities that require approval from BSIS. The next comment was read regarding a request to see the committee converted to an oversight committee. The last public comment asked the committee to take into consideration refraining from taking advice from CALSAGA, as it represents only the large, private security companies and not the 9-5 guard who is putting their life on the line out there. With no further comments, Chief Jensen closed comments on this agenda item.

10. Committee Members' Recommendations for Future Advisory Committee Meeting Agenda Items

At 11:41 am, Chief Jensen opened discussion to committee members for recommendations on future Advisory Committee Meeting agenda items.

There were no items raised by the Committee members.

11. Adjournment

At 11:43 am, the Chief adjourned the meeting.