

TEXAS PRIVATE SECURITY BOARD

**REGULARLY SCHEDULED BOARD MEETING HELD AT 9:00 A.M.,
January 24, 2017**

**TEXAS DEPARTMENT OF PUBLIC SAFETY
6100 GUADALUPE ST, BLDG E
CRIMINAL INVESTIGATIONS BUILDING
AUSTIN, TX 78752**

BOARD MEMBERS PRESENT:

Honorable Patti James, Chairwoman
Honorable Howard Johnsen, Vice-Chairman
Honorable Mark Smith, Secretary
Honorable Wade Hayden
Honorable C.D. Siems
Honorable Debra Ulmer

BOARD MEMBERS NOT PRESENT:

Honorable Albert Black

STAFF PRESENT:

RenEarl Bowie, Assistant Director, Regulatory Services Division;
Valerina Walters, Managing Attorney, Office of Regulatory Counsel;
Chris Sims, Senior Manager, Licensing and Registration Service;
Huel Haynes, Manager, Licensing and Registration Service;
Ryan Garcia, Assistant Manager, Licensing and Registration Service;
Aaron Grigsby, Captain, Regulatory Crimes Service;
Steve Moninger, Policy Analyst, Regulatory Services Division

MINUTES

These minutes are a summary record of the Board's public meeting. The meeting was audio-recorded and video-taped. For a detailed record of discussions and statements made by persons speaking at this meeting, please consult the DVD recording on file at the Board's office.

The board meeting was called to order at 9:01 a.m.

Agenda Item I: Approval of Minutes for Board Meeting held October 25, 2016

Chairwoman James introduced this agenda item. Upon review, Secretary Smith made a motion to accept the minutes as submitted. Board member Hayden seconded the motion and the board voted unanimously in favor. Motion passed.

Agenda Item II: Quarterly Licensing Report from Regulatory Services Division

Assistant Manager Ryan Garcia presented the licensing totals for the first quarter, 9/1/16 to 11/30/16. He stated, for this time period, the Division received 332 original company applications, 1,525 company renewals, 13,065 original individual applications, and 7,138 individual renewals not including online registrations. He went on to say, for the same time period the Division processed the following licenses/registrations:

- 274 original company licenses (92 online, 182 manual),
- 1,859 company renewals (1,454 online, 405 manual),
- 6,828 individual registrations (4,232 online, 2,596 manual),
- 4,695 individual renewals (3,741 online, 954 manual),
- 4,948 employee information updates (3,359 online, 1,589 manual).

He also stated this time period showed 5,811 active company licenses, 350 active school licenses, and 132,214 active individual registrants.

Captain Aaron Grigsby was next to address the Board regarding investigations. He went on to read the following activity report:

Region 1 (Dallas area)

- On 12/6/2016 RSD HQ received information concerning a guard dog company providing personal protection training without a license. This company also allegedly works with local police departments in training their dogs. This case was referred to Dallas Special Agents on 1/16/2017 for further investigation.
- On 12/6/2016 RSD HQ received information concerning an unlicensed locksmith company providing services in the Dallas area. This case was referred to Dallas Special Agents on 1/2/2017 for further investigation.
- On 12/20/2016 Dallas Special Agents were referred a case by RSD HQ involving an unlicensed locksmith providing services in the Dallas area. Investigation is on-going.
- On 12/21/2016 Dallas Special Agents were referred a case by RSD HQ involving an unlicensed locksmith. Initial investigation revealed that the company's license and insurance have been expired since 2011. Criminal charges currently pending with Bowie County District Attorney's Office.
- On 12/27/2016 Dallas Special Agents were referred a case by RSD HQ involving an unlicensed private investigator. Investigation is on-going.

Region 2 (Houston area)

- On 11/14/2016 Houston Special Agents were referred a case by RSD HQ involving a security guard company utilizing vehicles and employee uniforms that are deceptively similar to those of the Houston Police Department. Investigation is on-going to determine whether individual guards may be impersonating peace officers.

- On 11/14/2016 Houston Special Agents were referred a case by RSD HQ involving a security guard company utilizing vehicles with blue and white flashing lights, as well as “emergency call 911,” which is typically found on law enforcement vehicles. Investigation is on-going.

Region 3 (Valley area)

On 12/9/2016 RSD HQ received information concerning an alarm company operating without a license in the Corpus Christi area. The company’s license and insurance are both expired, and the qualified manager was suspended for a disqualifying offense. This case was referred to Corpus Christi Special Agents for further investigation.

- On 12/15/2016, Corpus Christi Special Agents finalized an investigation involving a law enforcement official operating a guard company without a license. Investigation revealed the suspect was coordinating security at an oil field and intentionally hiring individuals who were not licensed. Charges of OPWL, Theft, and Engaging in Organized Criminal Activity are pending.

Region 5 (Lubbock area)

- On 10/25/2016 Lubbock Special Agents performed security guard inspections in Potter and Randall counties. The inspections were the result of information received from RSD HQ alleging that the guard company was failing to properly register employees. A total of 13 inspections were conducted, with 6 registration violations found.

Region 6 (Central Texas)

- On 10/21/2016 San Antonio Special Agents were referred a case by RSD HQ involving a registered sex offender operating as an electronic access control installer. Investigation is on-going to determine if CCP Chapter 62, Article 62.06(Prohibited Employment) has been violated.
- On 11/03/2016 San Antonio Special Agents were referred a case by RSD HQ involving an unlicensed security guard company. During a joint investigation with APD of a shooting incident at a college fraternity party, it was revealed that none of the four security guards working the party were licensed.
- On 11/08/2016 San Antonio Special Agents were referred a case by RSD HQ involving an unlicensed locksmith company operating in the Sequin area.
- On 12/16/2016 San Antonio Special Agents were referred a case by RSD HQ involving an unlicensed alarm company. Initial investigation indicates this company is also in violation of Commerce Code 17.46, Deceptive Trade Practice.

RCS HQ

- On 11/1/2016 RSD HQ received information concerning an unlicensed company and individual performing asset recovery services in the Houston area. Investigation is on-going.

- On 11/1/2016 RSD HQ received information concerning a company performing drug dog searches for a school district in the Dallas area with an expired license. Investigation conducted.
- On 11/13/2016 RSD HQ received information concerning an alarm company in the Houston area using deceptive methods to take advantage of an elderly woman. According to the complaint received, this alarm company had knowledge of the elderly woman's daughter being involved in a violent robbery, and used this information to sell her an upgraded alarm system. Investigation conducted.
- On 11/13/2016 RSD HQ received information concerning an unlicensed guard dog company that is also providing detection dog services to a school district in the Longview area.
- On 11/13/2016 RSD HQ received information concerning a security guard in the Houston area with potentially disqualifying offenses. The individual has two pending felony cases, one involving a weapon used during an assault on a family member. Investigation is on-going.
- On 11/13/2016 RSD HQ received information concerning an alarm company in the Angleton area engaging in deceptive trade practices. The company is allegedly contacting customers of other alarm companies and convincing them to sign a new contract by telling them that their existing company is going out of business. Investigation is on-going.
- On 11/14/2016 RSD HQ received information concerning a security guard who was terminated from a company in the Dallas area. This individual is allegedly continuing to use the name and license number of the company he was terminated from in an attempt to obtain contracts. Investigation conducted.
- On 11/30/2016 RSD HQ received information concerning a security guard company in the San Antonio area that has knowingly employed a registered sex offender. This individual was terminated by another security company due to his disqualifying offense. Investigation is on-going.
- On 11/30/2016 RSD HQ was contacted by the Texas Workforce Commission for assistance auditing records for the Texas Department of Aging and Rehabilitative Services. During the audit, high amounts of reimbursement requests from a private security academy being charged to DARS were revealed. TWC contacted RSD to ascertain whether the fees were exorbitant or reasonable.
- On 12/1/2016 RSD HQ received information concerning a locksmith in the Dallas operating while under insurance suspension. This company is also allegedly price gouging their customers, and charging for services never rendered. Investigation is on-going.

- On 12/20/2016 RSD HQ received information concerning an unlicensed consulting company operating in the Katy area. Investigation is on-going.
- On 12/20/2016 RSD HQ began investigation of a shooting involving a security guard at a gentleman's club in the Austin area. Initial investigation revealed that the involved guard was not registered, and has possible gang affiliations. The club was not utilizing a licensed security company, they claimed to have "in-house security." RSD HQ providing assistance to APD during investigation.

Captain Grigsby also gave the board an update on 2 items from the previous meeting:

- The man in New Braunfels who was operating without a license and gaining funds of \$80, 000 fraudulently from veterans' families now has pending charges against him.
- Upcoming Super Bowl in Houston is taking a lot of man power to get things up and running

Chairwoman James asked how many staff work in completing these investigations, which he stated 6 commissioned agents, 3 Lieutenants (on who operates in the capacity of in taking cases), 1 manager and 6 noncommissioned inspectors.

Agenda Item III: Reports from Board Committees

No reports at this time

Agenda Item IV: Discussion and possible action regarding amendments to Rule §35.26- Reclassification and Assignment

Policy Analyst Steve Moninger addressed the board stating that this was the same rule as presented at the October meeting of the board. He stated public comments were still being taken and therefor suggested the board not take action on this rule at this time. One of the changes made since the previous meeting was to change the language back to "majority" from "controlling interest". He went on to explain that the reason for changes to this rule was to assist staff in determining who has authority to terminate a license.

Board member Hayden stated that at the last meeting he asked staff to provide scenarios that staff had seen that gives rise to the need for these changes. He stated he had not yet seen this and would still like to, in order to help determine the best way to modify this rule. Mr. Moninger replied that he could only offer general examples rather than specific scenarios.

- Multiple owners want to part ways and one wants the license. In a 50-50 ownership, no one keeps the license.
- In a 3 way ownership, no one keeps the license unless 2 of the 3 agree.
- In a 60-40 split of ownership the majority owner keeps the license.

Board member Hayden stated he would like to see an example of the problem so the board would know what it is trying to fix going forward. If using either majority owners or controlling interest how does that apply to publically traded companies? He stated that certainly those companies are not expected to have a shareholder's meeting on what to do with the license. He

asked if Mr. Moninger and the Board could come up with something to address these specific scenarios, to which Mr. Moninger stated that they could.

Chairwoman James asked if she were correct in saying that this rule's amendments were meant to take the decision making of these scenarios off of staff to which Mr. Moninger replied she was correct.

Board member Hayden stated that the Texas Business Organization Code permits Limited Liability Companies to appoint a manager to run all of their affairs. LLC members are therefore removed and don't make decisions. He went on saying that when the rule amendments are speaking of majority owners, the board would be imposing a rule that is contrary to statute. He again asked if Mr. Moninger and the Department could better define the person who has the authority in such cases. Mr. Moninger answered that the generic language could state "that the majority owner or person authorized to make (that) decision"; but they could elaborate further.

Secretary Smith asked Mr. Moninger to comment on the following scenario: a security company does business all over the world, and is headquartered in Geneva. The Board of Directors picks officers down the chain and end up with offices in Japan, Canada, and Texas. They could end up with more than 11 licensed managers perhaps. There could be a VP in charge in the US. Someone down the line makes the decision on a licensed manager. That manager comes out and wants to cancel the license. He stated that, in his opinion, that decision is on the manager and whoever appointed him to that position, and ultimately the company themselves. He went on to say the language should say it was the licensed manager's decision and if that appointed person made a bad choice, it was ultimately on the company for appointing him to that position in the first place. Mr. Moninger stated that was an idea that could be discussed, but his only concern with that was that the manager may not actually be authorized to do that and it may not have been something that the owners contemplated when appointing him as the licensed manager.

Board member Hayden stated he wanted to avoid unintended consequences with amendments to this rule. He stated that he liked Mr. Smith's idea and it should be on the company.

Chairwoman James stated she wanted to refer this rule change back to the Rules Committee for further discussion and consideration.

Board member Hayden stated that he would also like for the Department to give real-life scenarios and give thought to Mr. Smith's comment of putting it on the licensed manager. Mr. Moninger stated the Rules committee may also wish to consider adopting some sort of standard for the purposes of assignment, as the existing rule still talks about majority owners. Board member Hayden stated that there were going to be several issues to consider and that they would need to look at all possible consequences to ensure these changes do not conflict with other rules.

Agenda Item V: Discussion and possible action regarding changes to §35.161- Continuing Education

Policy Analyst Steve Moninger addressed this issue stating that it was again an attempt to clarify what has been an issue with staff. He pointed out that the part in subsection (b) that is not

highlighted is the existing rule, referring to non-participating owners who are registered. He stated that the rule does not speak to those not registered because they don't have authority over them. These changes were to clarify that owners of a company who are providing regulated services must have CEUs for that regulated service. Owners who are not performing regulated services have a different requirement. He explained that changes to this rule were simply separating out these different types of owners. He went on to say changes to (a) were new and were made in order to coordinate the requirements of the CE school's reporting records with those of the registrants'.

Board member Hayden asked Mr. Moninger to give the board the existing requirements for owners, along with the definition of owner. Mr. Moninger stated that subsection (c) of the existing rule states: All registrants not specifically addressed in this section shall complete a total of 8 hours of continuing education, 7 hours of which must be in subject matter that relates to the type of registration held, and 1 hour of which must cover ethics.

Board member Hayden asked if all owners are required to be registered, to which Mr. Moninger answered that if they were 25% or more owner, they would. Board member Hayden stated they had talked about participating versus non-participating owners. Mr. Moninger stated he added the definition in the last line: For purposes of this section, 'participating' refers to involvement in decisions governing the operation of the regulated business.

Board member Hayden stated that many of the comments had come in saying that it appeared that the Department could require owners not otherwise registered, to have continuing education. If owners are not registered the board does not have the authority to require that. He went on saying he wanted to be sure everyone understood who were considered owners. Once an owner owns 25% or more of the company, they must be registered and therefore subject to the rules. Once someone is an owner they can fall into two categories: participating or non-participating. He then asked if a participating owner could perform regulated services as an owner or would they need a separate registration. Mr. Moninger answered that historically they have been allowed to perform those regulated services without a separate registration. Board member Hayden stated there are 3 levels of owners that are registered: registered and performing regulated services, registered but not performing regulated services, only making decisions and registered but not performing any services or decision making.

Secretary Smith asked what the continuing education requirements were for a holding company being held in trust going through probate. Mr. Moninger stated he did not know off the top of his head, but that it could get quite complicated. He went on saying that if owner owned 25% of the company they would be required to be registered. If that 25% owner were a corporation, they would have to be registered. That company would have directors, officers, and statute does not help in addressing how far down the line the registration requirements would go.

Chairwoman James stated she wanted to refer this rule back to the Rules Committee for further discussion. Board member Hayden asked Mr. Moninger to think about a question he would like answered: what are the continuing education requirements on an owner that is a fictional entity, that is not a person, and what authority does the board have to impose continuing education requirements on its representatives.

Agenda Item VI: Discussion and possible action regarding changes to §35.101- Private Business Letter of Authority and §35.102- Governmental Letter of Authority

Policy Analyst Steve Moninger addressed this issue with the board stating the change to this rule was only to make clear that those with a Letter of Authority can employ non-commissioned guards. He went on saying that LOAs have always thought they should be able to employ non-commissioned, this is only to clarify. GLOA has always had that ability, which is why changes to that rule do not have the same reference. However, changes to Rule §35.102 are adding Personal Protection Officers.

Mr. Moninger asked for clarification from the board on whether staff should hold all publications of rules and publish all of them at once or do them separately and keep track of where each is in the process. Board member Hayden stated he thought that the board should give the industry a chance to comment on this as well.

Chairwoman James stated she wanted to refer this rule back to the Rules Committee in order to gain public comment.

Agenda Item VII: Public Comment

Michael Samulin- representing Intruder Alert Systems- addressed the board. He stated he was concerned regarding a comment that was made by the Department's staff "the rule I am presenting today is the same rule I brought to you at the last meeting". He explained that statute states in rule making procedures that it is supposed to be rules brought by the industry, and staff if necessary, but are to be discussed and sent to the rules committee first, then to Division staff for legal opinion, put out to the industry for comment, and finally back to the board for action. He went on to say that the board keeps putting the cart before the horse. The agenda states that the board can take action on an item when they should not be able to do that yet in the process. He further stated that in the past the industry would bring needed rule changes directly to the rules committee who would discuss it, gaining industry comment, and then it would go to the board. He stated that by this method it only took 90 days to get a rule passed rather than dragging on for a year. His final comment was asking the board if they would find out how many of the investigations, presented during the investigation report, were initiated by complaints from the industry and how many were initiated by staff doing things like google searches and phone book searches rather than waiting for the industry to make complaints.

Bonnie Brown-Morse- representing Locksmith Association of San Antonio - addressed the board. She cautioned the board on rule §35.161 stating she thought the board needed to review this rule further, because the "8 hours, 7 hours industry and 1 hour ethics" portion has an additional part that is not listed. She stated she would research it further and send the rules committee an email.

Michael Jewel- representing AT&T- addressed the board. He stated that his company's concern with §35.26 goes to the issue that Mr. Smith highlighted, what large multinational companies do. He went on saying that the idea of having an authorized person making the filing can be clarified further, perhaps by requiring a signed affidavit. He went on saying that in discussion of §35.161 his company's concern was that there are a lot of individuals who are owners and are

participating by being owner/ceo/general counsel and that clarifying that owners providing regulated services is probably the best way to put it. He concluded stated that he reached out to ADT and Comcast who also have similar concerns.

Chairwoman asked Mr. Jewel to follow up his comments, concerns and ideas by emailing copies to the board and/or DPS.

Ronald Long- representing himself- addressed the board. He thanked the board for taking time to hear him. He stated he was the owner of Access Investigations since 2014. He was a 22 year law enforcement veteran. He stated he has been licensed with the board since 2007, with no adverse action until 2016. Mr. Long stated he wanted to come before the board in order to get his license reinstated, but found out that he would not be able to do that at this time. He also stated that he still wished to have the board hear his story. He explained that in March 2016 he noticed a car parked oddly on a rural road in Gillespie County. He approached to find the occupant was having a panic attack and asked for an ambulance. She was taken by ambulance. When the Deputy arrived he opened the door to the vehicle and the Deputy began looking into the vehicle. He told the deputy that if he wanted to search the person's car he would have to gain permission from the owner. He stated that the deputy didn't say anything to him and he never physically interfered with the Deputy. Three months later he was informed of a warrant for this arrest. He turned himself in and informed PSB of his arrest. Since suspension of license his license has expired. He stated his arraignment was set and cancelled and reset 3 times. His company license is set to expire in June. These delays are costing him money and he wanted the board to consider reinstating his license.

Agenda Item VIII: Executive Session as authorized under §551.071, if necessary.

Not taken at this time.

Agenda Item IX: Administrative Hearings on Licensing and Disciplinary Contested Cases

Chairwoman James called roll to determine which individuals, with cases before them, were present.

Board member Hayden made a motion to affirm SOAH's decisions regarding whether to summarily deny, suspend, revoke or approve the applications or registrations for:

- Alarm Control Technicians, Inc - Docket No. 405-17-0859 (case be dismissed)
- Elizabeth Ann Williams- Docket No. 405-17-0699 (summarily deny application)
- Jorge Luiz Munoz- Docket No. 405-16-5448 (summarily deny application)
- Derrick Geter- Docket No. 405-16-5527 (summarily deny application)
- Melissa Linda Sanchez- Docket No. 405-16-5413 (summarily deny application)
- Anthony Lamar Williams- Docket No. 405-16-5741 (summarily deny application)
- Dezaron Roberts- Docket No. 405-17-0373 (summarily deny application)

Secretary Smith seconded the motion. The motion passed with James, Johnsen, Smith, Siems, and Hayden voting for the motion, while Ulmer voted against.

Attorney for the Department, Rebecca Burkhalter, presented the following case to the board.

Chris Garcia- Docket No. 405-16-5472

Mr. Garcia was present to address the Board on this case, but did not have counsel present on his behalf. Ms. Burkhalter stated Mr. Garcia's applications for registration as an alarm installer, locksmith, and electronic access control device installer were summarily denied based on this Class A misdemeanor conviction of Driving While Intoxicated and misdemeanor repetition.

Mr. Garcia addressed the Board stating that he thanked them for looking at his case. He stated that he has been in good standing with the state and his employer. He is currently working as a network technician but wanted to expand his knowledge in this field, which will require him to be licensed.

Chairwoman James stated that she was concerned with the 5 year rule the Board has to adhere to. Mr. Garcia responded stating that he would still have 2 years until he would be eligible. Chairwoman James asked if the conviction occurred in 2014, to which Mr. Garcia answered yes. She asked if he received a fine and probation, to which he answered, he had received 2 years of probation and currently has 4 months left to go. Board member Ulmer stated it had been over 20 years since he had been in trouble before.

Secretary Smith made a motion to uphold the ALJ's decision, and grant Mr. Garcia's registration as an alarm installer, locksmith, and electronic access control device installer due to the evidence of rehabilitative efforts. Board member Ulmer seconded the motion. The motion passed with Johnsen, Ulmer, Smith, Hayden and James voting for while Siems voted against.

Attorney for the Department, Aaron Heath, presented the following case to the board.

Oscar V. Saenz- Docket No. 405-16-5414

Mr. Saenz was present to address the Board on this case. He also had counsel present on his behalf; Jason Danowsky. Mr. Heath stated Mr. Saenz' application for registration as an alarm salesperson was denied based on his Class A misdemeanor conviction for Driving While Intoxicated with BAC ≥ 0.15 .

Mr. Danowsky addressed the board stating that according to Texas Government Code state agencies can only change a finding of fact or conclusion of law if the agency determines that the ALJ did not properly apply or interpret the law, agency rules, written policies, or prior administrative decisions and no such cause has occurred in this case.

Secretary Smith made a motion to uphold the ALJ's decision, and approve Mr. Saenz's application for registration as an alarm salesperson. Board member Siems seconded the motion. The motion passed with a unanimous vote.

Attorney for the Department, Rebecca Burkhalter, presented the following cases to the board.

James E. Trevino- Docket No. 405-17-1146

Mr. Trevino was not present to address the Board on this case, nor did he have counsel present on his behalf. Ms. Burkhalter stated Mr. Trevino's application for registration as an alarm salesperson was summarily denied based on his conviction for the third degree felony of Driving While Intoxicated- 3rd or more.

Chairwoman James pointed out that Mr. Trevino's 3rd degree felony only occurred last year. Board member Siems stated that he had a hard time understanding why the ALJ would go ahead and let this case go and approve him for a license. Secretary Smith stated that he himself had to look at the judicial process and maybe a mistake was made that caused the ALJ to approve him. He went on to say that the judge did apply the factors of Chapter 53, and unless he could see a reversible error, he felt he would need to vote to uphold the ALJ's decision.

Chairwoman James asked if the offense occurred in 2016 how much time would have to pass for him to be eligible. Ms. Burkhalter pointed out that the conviction occurred in 2014 and would be eligible in 2019. Chairwoman James asked if probation had been satisfied, to which Ms. Burkhalter stated that she wasn't sure. She went on to say that his employer gave him 6 months to sort this out and had no choice but to fire him after that time passed. She stated that even when they did fire him the company threw him a party. She concluded by stating that she thought the ALJ looked at that as well as the other factors when making their decision.

Board member Ulmer asked if she knew why he was not there before the board, to which Ms. Burkhalter stated she did not know. Board member Ulmer asked if she knew what he had done as rehabilitative efforts. Ms. Burkhalter stated that she could go over the Findings of Fact

- #3- other than his DWIs he has no criminal history
- #4- his DWI crimes are unrelated to the duties of an alarm salesperson
- #5- he completed all legal requirements associated with his conviction, including paying the fine and court costs
- #6- he supports his two dependent children
- #7- he has maintained a record of steady employment and has been a productive member of society
- #8- he has proven himself to be a trustworthy and valuable employee who is well-liked by his employers

Secretary Smith made a motion to uphold SOAH's decision and grant Mr. Trevino's application for registration as an alarm salesperson. Board member Hayden seconded the motion. The motion failed with Ulmer, Johnsen, James, and Siems voting against.

Board member Ulmer made a motion to overturn SOAH's decision and deny Mr. Trevino's application for registration as an alarm salesperson based on the fact that this occurrence was his third felony. Board member Siems seconded the motion. The motion passed with Ulmer, Johnsen, James and Siems voting for the motion; while Hayden and Smith voted against.

Rafael Tyes- Docket No. 405-17-1147

Mr. Tyes was not present to address the Board on this case, nor did he have counsel present on his behalf. Ms. Burkhalter stated Mr. Tyes application for registration as a commissioned security officer was summarily denied and his registration as a noncommissioned security officer was summarily revoked based on his Class A misdemeanor of driving while intoxicated with blood alcohol concentration about 0.15.

Vice chairman Johnsen pointed out that he didn't become eligible again until 2020. Board member Ulmer also stated that he was still on probation until April 2017 and even stated in the record that he knew he probably shouldn't have driven to help his wife when she called and said that she was stranded, but he made the decision to do it anyway.

Board member Hayden made a motion to affirm the ALJ's decision in approving his application for registration as a commissioned security officer and reinstating his noncommissioned security officer registration. Board member Siems seconded the motion. The motion ended in a tie with Smith, Siems and Hayden voting for the motion, while James, Johnsen and Ulmer voted against.

Board member Ulmer pointed out that Mr. Tyes testified that he knew what he was doing was wrong and that there are other avenues he could have taken to assist his wife in getting home.

Board member Ulmer made a motion to overturn the ALJ's decision and deny Mr. Tyes application for registration as a commissioned security officer based on the fact that he knew his actions were wrong and making the decision to do it anyway. Also affirm the ALJ's decision and reinstate his noncommissioned security officer registration. Vice-Chairman Johnsen seconded the motion. The motion passed with James, Ulmer, Johnsen, and Smith voting for, while Hayden and Siems voted against.

Board member Hayden stated that the board would be losing two members of the board, as their tenure was coming to an end and wished to recognize all of the hard work of both Secretary Smith and Vice-Chairman Johnsen.

Agenda Item X: Adjournment

Chairwoman James introduced this agenda item. Secretary Smith made a motion for adjournment. Board member Hayden seconded the motion, and the Board voted unanimously in favor of the motion. At 10:44 am, the January 24, 2017 meeting of the Private Security Board was adjourned.