

Texas Private Security Advisory Committee (TPSAC)

Meeting Minutes

July 8, 2020

1. Call to Order

The regular meeting of the Texas Private Security Advisory Committee was called to order at 11:07 a.m. on July 8, 2020 via conference call.

2. Roll Call

Present:

Patti James	Chairwoman	Private Investigator Representative
Alan Trevino		Security Officer Representative
Debi Ulmer		Alarm Syst. & Elect. Access Rep.
C.D. Siems		Locksmith Representative
Wade Hayden		Public Representative
Jason Hester	Assistant Chief	Texas Department of Public Safety
JoJo Heselmeyer	Service Director	Texas Department of Public Safety
Chris Sims	Service Director	Texas Department of Public Safety
Sherrie Zgabay	Service Director	Texas Department of Public Safety
Ryan Garcia	Program Asst. Manager	Texas Department of Public Safety
Huel Haynes	Program Manager	Texas Department of Public Safety
Sarah Gaytan	Program Manager	Texas Department of Public Safety
Pablo Luna	Program Manager	Texas Department of Public Safety
Steve Moninger	Sr. Policy Analyst	Texas Department of Public Safety
Leslie Stevens	Executive Assistant	Texas Department of Public Safety
Krystal Sanders	Executive Assistant	Texas Department of Public Safety

3. Minutes from April 8, 2020

The minutes of the previous meeting were unanimously approved as distributed.

4. Quarterly Reports from Regulatory Services Division

a. Licensing Statistics

Ryan Garcia presented this information to the committee members. Alan Trevino asked how the licensing numbers during this time compared to the numbers before COVID-19. Ryan stated that overall they were seeing a decline in applications both compared to the last quarter and last year at this time.

b. Compliance Statistics

Sarah Gaytan presented this information to the committee members. Patti James asked if the cases referred to CID were due to unlicensed activity and if she could tell them how many were guards, locksmiths, etc. Sarah replied that the only information CID provided was that the cases were closed with no arrests made. Debi Ulmer asked for clarification regarding the difference in the fines collected under the Compliance section and

the fined amount under the Enforcement section. Sarah explained the difference as, if the customer has paid the fine it is considered Compliance and if the payment is pending due to requesting a hearing, etc then it is considered Enforcement.

c. Executive Office Report

Wayne Mueller addressed the committee regarding questions being raised concerning whether these meetings fall under the Open Meetings Act. He stated this question had been asked of the Attorney General previously and had been answered that advisory committees are not subject to the Open Meeting Act. He went on to say that the meeting notes are posted online for everyone to view and stay informed. He reminded the members that they are the liaisons between the DPS and the Private Security Industry. If people have issues they want raised during these meetings they should be encouraged to reach out to their committee representative and have them bring it up to the committee for discussion.

Sherry Zgabay addressed the committee saying that DPS was looking at making more adjustments in the TOPS system related to the company representative and former manager roles. In doing so, a large group had been identified as being listed as managers that need to move to the company representative role instead. She went on to say DPS planned to send emails out regarding the process to those individuals. She further stated, as a reminder, these individuals must be at least 25% owner or a designated officer overseeing those aspects of the company. For those who do not qualify under this criteria, a new person will need to be designated by going through testing on the former Manager exam.

Jason Hester informed the committee that DPS currently has limited testing to ensure social distancing and health screenings guidelines are followed. There have been a lot of “no shows” to these testings. DPS is looking at possible different venues to accommodate more testing with maintaining the guidelines on social distancing. One possible option would be a third party tester, which would allow for more availability around the State and increase the convenience for those testing.

Jason Hester next addressed license expiration extensions. He stated that as long as everyone is still under Governor’s Orders the extension will remain 90 days after the orders are lifted. He went on to say DPS has made adjustments to stop expiration fees for those licenses that have expired.

Jason Hester stated that DPS is continuing audit processes by having auditing employees perform those duties using approved PPE and by performing health screenings beforehand. DPS is also continuing with soft, or online, audits whenever possible. Patti James told the committee that she was contacted by a couple of investigators that have gone through the soft audit and they were very complimentary of how well it went and how they were treated by the auditors. She stated that the process seems to be going very well.

5. Industry Reports

a. Security Officers

Alan Trevino stated he had been contacted by an individual asking about being an EMS personnel but also wanting to provide security and if his vehicles could have emergency lighting. He referred him over to DPS for answering of specifics but also let him know that if he is providing security services he would have to be licensed. Jason Hester advised that those questions should keep being referred to DPS. He also asked the members to advise their association members that there may be as much as a two week turn around on fingerprinting and that they cannot put people to work until after those fingerprints are cleared.

b. Investigators

Patti James stated she has been receiving complaints regarding pocket cards. Under the Sunset review the terminology on pocket cards went from being registrants to licensees and people seem to think they can work without being under a company. She said she was considering drafting an email to all TALI members reminding them. She went on to say that if the public sees a pocket card they will see the word licensee and think that that person is licensed to work regardless.

Patti addressed another issue with the committee regarding a training school. She recently spoke with someone who stated that continuing education schools had to be registered and have a number, but if someone wanted to teach investigations as a course, they could. However that cannot be in lieu of the 3 year requirement unless you go through a 4 year accredited university. She felt that this might be fraudulent activity and that someone might need to speak to this training school. Jason Hester asked her to forward that information to him for investigation.

c. Alarm systems and Electronic Access Control

Debi Ulmer stated she had also received positive feedback regarding the soft audits. She said that most people in the alarm industry were having to gather up paperwork and take it to DPS for review. They now find that doing this process online is less time consuming and more convenient. She stated that they would like to see these soft audits continue permanently. Jason Hester replied that DPS is currently reviewing processes to find what works most efficiently and depending on the outcome would consider making this an on-going process.

d. Locksmiths

There were no updates or reports at this time.

6. Discussion and Possible Recommendation Items

a. Amendments to Rule 35.145

Steve Moninger began discussion of this item stating this was to address a specific scenario in which a retired peace officer, who is licensed as a commissioned officer or PPO, has to get a firearm proficiency certificate to be licensed. Most of these individuals would already have that from their former employer or TCOLE, since they have to qualify annually. Changes to this rule would allow for an exemption so they would not have to go to another class when their existing proficiency certificate would suffice.

b. Amendments to Rule 35.161

c. Amendments to Rule 35.162

Steve Moninger stated that the proposed changes to rule 35.161 would clarify the renewal portion of Level III and IV training courses are required in order to comply with the continuing education requirements for Commissioned Security and Personal Protection Officers, as well as clarifying that the course has to be taken within the 2 year license period. Proposed changes to rule 35.162 provides for limited exceptions to the requirement that continuing education credits be earned through department approved schools. Patti James stated that often people will find courses put on by out of state associations but still want to receive the CEUs. However with them not having a Texas approved CE school number, they would not be able to receive those credits. Alan Trevino asked if they could just use TALI's school number. Steve stated the reason TALI had a school number is because having a school license was a requirement and that is why these amendments would

be making exemptions to that requirement. Steve suggested that the committee take these amendment proposals to their associations for thoughts. DPS would send an email later in the month to gain input and approval. Debi Ulmer suggested making an adjustment to the current rule to include the word “non-profit” in front of 35.162 (e)(3) “a local, state, or national professional or trade association, or”

Patti said that in the past sitting on the Private Security Board qualified the members to receive CEUs and asked if credits would still be given for serving on the committee. Jason stated he would look into the logistics and get back with the committee at the next meeting.

Alan Trevino brought up an item for consideration regarding the appointment of presiding officers. He stated that as a Board he was the Vice-chairman and Debi Ulmer was the Secretary but now that they are an advisory committee he did not know if those positions were still to be held. Steve Moninger stated that according to 1702.026 the committee was to elect an Assistant Presiding Officer as well as a Secretary to hold 2 year terms. On a unanimous vote the committee elected Wade Hayden as the Assist Presiding Officer and Debi Ulmer as the Secretary.

7. Future agenda items

There were no future agenda items discussed at this time.

8. Date of next meeting- October 14, 2020, 11:00 a.m.

Date of the next meeting was confirmed to be October 14, 2020.

9. Adjourn

Meeting adjourned at 12:47 p.m.