

Texas Private Security Advisory Committee (TPSAC)

Meeting Minutes

October 11, 2023

1. Call to Order

The regular meeting of the Texas Private Security Advisory Committee was called to order at 11:06 a.m. on October 11, 2023, via conference call.

2. Roll Call

Patti James	Chairwoman	Private Investigator Representative
Wade Hayden	Member	Public Representative
John Helweg	Member	Locksmith Representative
DJ Seegar	Member	Public Representative
Tucker Witt	Member	Security Guard Representative
Jason Hester	Assistant Chief	Texas Department of Public Safety
Ron Joy	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
Lisa Cargill	RSD Manager	Texas Department of Public Safety
Christopher Lyons	RSD Manager	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Robert Hawkins	Program Manager	Texas Department of Public Safety
Lawrence Cortez	RSD Supervisor	Texas Department of Public Safety
Jeremy LeCrone	Program Manager	Texas Department of Public Safety
Amalia Sanchez	Program Supervisor	Texas Department of Public Safety
Ryan Garcia	Program Manager	Texas Department of Public Safety
Linsey Silva	Program Supervisor	Texas Department of Public Safety
Trey Struhall	Program Supervisor	Texas Department of Public Safety
Steve Moninger	Senior Policy Analyst	Texas Department of Public Safety
Leslie Stevens	Personnel Admin Specialist	Texas Department of Public Safety
Renee Davis	Staff Services Specialist	Texas Department of Public Safety
Deborah Failey	Staff Services Specialist	Texas Department of Public Safety
Carlos Romero	Admin Operations Specialist	Texas Department of Public Safety

3. Minutes from July 12, 2023

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

4. Quarterly Reports from Regulatory Services Division

a. Executive Office Report

Assistant Chief Jason Hester introduced the two newest committee members – Tucker Witt and DJ Seegar. Tucker Witt is the Security Guard Representative and DJ Seegar is a Public Representative. Assistant Chief Hester also informed the committee of staff changes in RSD with two new Service Directors – Ron Joy and

Natalie Robertson. Ron is the Service Director for the Compliance and Enforcement Service and Natalie is the Service Director for the Licensing and Review Service, as Sherry Zgabay is transitioning to Service Director for the Compassionate Use Program. He also informed the committee that he has been assigned as the interim Chief of the Infrastructure Operations Division.

Ron Joy presented Fiscal Year comparative statistics to the committee. He stated 149 more complaints were received in 2023, compared to 2022; a 23% increase. There was a 63% increase in inspections in 2023 compared to 2022, with the division completing 2640 more inspections. 815 more investigations were conducted in 2023 compared to 2022, which was a 60% increase. Ron also reported that the Private Security program supports approximately 183,000 individual licenses and 6400 company licenses, which is an 11% increase on individual licenses and a 3.6% increase on company licenses compared to the previous fiscal year.

Ron Joy informed the committee that RSD was currently fielding a lot of questions regarding House Bill 3 and the implementation of school safety officers. He also reported on an ongoing operation at the Texas State Fair, where program investigators are finding numerous violations when doing guard checks, the majority of which were for a lack of being properly licensed.

b. Complaints/Investigations

Robert Hawkins presented information from the report to the committee. There were no follow up questions.

c. Disciplinary Actions

Jeremy LeCrone presented information from the report to the committee. There were no follow up questions.

d. Licensing Statistics

Ryan Garcia presented information from the report to the committee. There were no follow up questions.

Assistant Chief Jason Hester updated the committee regarding company insurance certificates. He explained that a new process was instituted allowing the insurance certificates to be uploaded directly into TOPS to speed up the process and avoid company suspensions for expired insurance. This process works best if the company owners upload the certificates rather than send them in the mail or have an insurance agent send them.

John Helweg discussed another concern brought to him during the last conference. Some complaints had been made that during an audit, if there was an infraction, the company owner is unsure of the reason they are being fined. He stated providing more detail during audits would help with this issue. Assistant Chief Hester replied that this may be due to an internal communication disconnect between the CES investigators in the field and LRS personnel who draft and send the violation letter. He stated they were aware of this issue and were working to bridge this gap.

5. Industry Reports

a. Security Officers

Tucker Witt stated that while he had nothing to report, he planned to create a proposal for a “self-check list” to aide companies prior to inspection. He will present it to the committee once complete. Ron Joy stated there was already a checklist that could be publicized and used by companies.

b. Investigators

Patti James stated she had nothing to report at this time.

c. Alarm systems and Electronic Access Control

No report provided.

d. Locksmiths

John Helweg stated he had nothing to report at this time, however, he had a question regarding a conference presentation from DPS staff. The presenter stated that the “51%” company owners did not need to keep files on themselves, and he asked for clarification. Assistant Chief Hester stated that the 51% owners did need to maintain files on themselves and that these could be audited. He also remarked that Ron Joy would check in with the presenter to ensure they were utilizing the correct information.

Chairwoman Patti James asked for clarification regarding Continuing Education and company owners’ need to complete it. Steve Moninger read from §35.161(b): Owners, partners and shareholders who hold individual licenses as owners only, shall complete a total of eight hours of continuing education. He stated company owners who are also individually licensed to perform services would be required to complete the eight hours of continuing education.

John Helweg stated that “helpers” were also discussed at this meeting, and he was told that if there is a licensed person on site, their helper does not need to be licensed. Steve stated that the only context in which an employee of a regulated company could perform what would be considered a regulated service, is when working in office and not interacting with customers.

e. Public Report

Wade Hayden stated he had nothing to report at this time. DJ Seegar stated that he recently went to McAllen, Texas and met with boarder patrol agents who were concerned that there are two militias, one called the Boarder Bees and the other called Patriots for Texas, possibly misrepresenting themselves. These militias have some members who are licensed security officers. He further explained that the concern was that these members have been approaching landowners, telling them that they are part of the militia and licensed security officers, and offering to protect their lands for them. In some cases, these individuals give the impression of being military in their dress and appearance. RSD will look into this issue.

6. Discussion and Possible Recommendation Items

a. Proposed Amendments to §35.5, Standards of Conduct, modifying current proposed rule requiring

personal identification to exempt private investigators while conducting investigations.

Steve Moninger presented proposed amendments to Rule §35.5 to the committee, stating this rule had been published in the Texas Register and had received numerous comments from Private Investigators (PIs) with concerns that changes to this rule would hamper their investigations and, in some cases, put them at risk. He requested that the committee recommend if the rule should be further amended to exempt PIs.

Chairwoman Patti James stated this rule was originally created for salespersons once they were deregulated by the Sunset Committee. However, she was contacted by several PIs regarding creating an exemption. She stated that while she agreed an exemption for PIs was necessary, she questioned if something similar needed to be done for Personal Protection Officers (PPOs) as well.

Steve Moninger stated that maybe the idea of having everyone required to show their ID is overburdensome and proposed withdrawing the rule at this time. He also received comments from Salespersons who felt this rule was an attempt to reregulate them.

John Helweg told the committee this rule was created to help ensure the public's safety, as Salespersons do not have to carry a pocket card identifying themselves or their company. He gave the example of someone going down to Huntsville, picking up an ex-con and putting them to work with no requirement of a background check. The goal was to require certain individuals to identify themselves and their employer to the homeowner or the business owner. It was not intended for PIs or guards, who already carry pocket cards.

Ron Joy stated subsection (e) could be taken out of the rule amendments and subsection (f) would still hold the company license holder responsible for people they employ who are unlicensed and who operate deceptively. Steve Moninger stated that while doing that does address the issue of the ID cards, it does not address the objection to whether the committee is exceeding their authority and trying to regulate the conduct of people who are no longer licensed through the program. He stated that whether the person was performing a regulated service or not, if it resulted in the company violating a rule, the company is held responsible for that, and a rule is not needed. Steve explained that these amendments were just a way of reminding company owners that they must pay attention to what their salespeople are doing.

Sherry Zgabay addressed the committee stating that even if adjustments to the rule were made, the rules were already published for public comment, and if substantial changes were made, they would have to be republished for public comments.

Patti James motioned to pull subsection (e) out of the rule for consideration until a later date. The motion was seconded by Tucker Witt and unanimously voted as approved by the committee.

b. Proposed Amendments to §35.7, Firearm Standards, authorizing the carrying of certain rifles by commissioned security officers and personal protection officers who are honorable retired Texas peace officers.

Steve Moninger presented proposed amendments to Rule §35.7 to the committee, stating the proposed changes to the rule would authorize the carrying of certain rifles by commissioned security officers and

personal protection officers who are active or honorably retired Texas peace officers and clarify that all firearms must be carried in compliance with the guidance provided in the training curriculum.

Ron Joy stated numerous active and retired peace officers go through extensive training in both defensive and offensive weapons and tactics. Commissioned security officers are equipped with defensive weapons by carrying pistols. He explained that soft body armor and other defensive gear is considered defensive. Ron stated offensive weapons are considered personal body protection and rifles. Police officers have received hundreds of hours in training to use these items and are trained to utilize them in the event of an active shooter. Tucker Witt asked if these security officers would be required to retrain annually, to which Ron Joy stated that they would.

DJ Seegar motioned to adopt rule §35.7, as presented with the addition of the word 'active' to note active police officers as well as honorably retired. The motion was seconded by Wade Hayden and unanimously voted as recommended for approval by the committee.

c. Proposed Amendments to § 35.143, Training Instructor Approval, requiring prospective commissioned security officer instructors to have the experience necessary to teach the self-defense tactics component required by House Bill 3424, 88th Reg. Sess.

Steve Moninger presented proposed amendments to Rule §35.143 to the committee, stating they are necessary to implement House Bill 3424, which requires applicants for a commissioned security officer license to obtain in-person classroom training in self-defense tactics. The amendments require prospective instructors to have the experience necessary to teach self-defense tactics. Additional changes include an alternative method by which prospective training instructors may qualify for approval to provide instruction, and the removal of an outdated requirement relating to required hours of training that is inconsistent with the certifications otherwise required.

Wade Hayden motioned to adopt rule §35.143, as presented. The motion was seconded by DJ Seegar and unanimously voted as approved by the committee.

Chairwoman Patti James asked what the effective date would be for the proposed rules. Steve Moninger stated that if the Public Safety Commission votes on §35.5 at their meeting later in October, it would potentially be effective in late November. Rules §35.7 and §35.143 need to go to the PSC for approval to publish, which would put it on the agenda for the December meeting of the PSC. He stated that if they were to approve the rules at that meeting those rules would potentially become effective in January.

7. Future agenda items

There were no future agenda items presented.

8. Date of next meeting

Date of the next meeting will be held January 10, 2024, at 11:00 am.

9. Adjourn

Meeting adjourned at 12:40 p.m.