

Texas Private Security Advisory Committee (TPSAC)

Meeting Minutes

January 10, 2024

1. Call to Order

The regular meeting of the Texas Private Security Advisory Committee was called to order at 11:00 a.m. on January 10, 2024, via conference call as well as in person at DPS HQ.

2. Roll Call

Patti James	Chairwoman	Private Investigator Representative
Wade Hayden	Member	Public Representative
John Helweg	Member	Locksmith Representative
DJ Seegar	Member	Public Representative
Debi Ulmer	Member	Alarm Company Representative
Tucker Witt	Member	Security Guard Representative
Ron Joy	Service Director	Texas Department of Public Safety
Chris Sims	Service Director	Texas Department of Public Safety
Christopher Lyons	RSD Manager	Texas Department of Public Safety
Patricia Herrera	Compliance & Enforcement Specialist	Texas Department of Public Safety
Haydee Saenz	Compliance & Enforcement Specialist	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Robert Hawkins	Program Manager	Texas Department of Public Safety
Lawrence Cortez	Program Supervisor	Texas Department of Public Safety
Pablo Luna	Program Manager	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
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 October 11, 2023

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

4. Quarterly Reports from Regulatory Services Division

a. Executive Office Report

Service Director Ron Joy addressed the Committee stating recent organizational changes in RSD would provide more quality reports, quality investigations and an independent, third-party review process to ensure uniformity and consistency across the state. One of the changes is to expand the Regional Manager roles to

Compliance Enforcement Specialists. The new roles will allow each to become the subject matter expert for the specific program assigned to them. In these new roles they will provide resources and legislative analysis, conduct secondary reviews and conduct inspections. For violations that are found, they will have a broader view of cases to ensure uniformity, consistency, and compliance. These employees will report directly to Ron Joy. Mr. Joy stated he will send out a copy of the Organizational Chart once the information is updated for the Compliance Enforcement Specialists.

Service Director Joy also stated they were adopting a risk-based matrix on how inspections are performed. In the past the requirement of inspecting a private security entity was once every year. If there was a violation that entity or business wouldn't roll up for re-inspection until the following year, the number of violations was not a consideration. By moving to this type of matrix, businesses with significant violations can expect a re-inspection to occur 60 to 90 days later. Many times, violations that are found to have occurred can be corrected on the spot. More significant violations, requiring re-inspection will occur with violations on the penalty matrix of having a fine of \$500.00 or more.

Next, Service Director Ron Joy introduced two of the Compliance and Enforcement Specialists assigned to the Private Security Program, Patty Herrera who works in Weslaco and Haydee Saenz located in El Paso.

b. Complaints/Investigations

Service Director Ron Joy presented information from the report to the committee. He told the committee the complaints in the private security program are the highest year by year. He explained that a lot of time is spent on investigations and one thing that will increase efficiency, is the new risk-based matrix being implemented which will help focus more on those types of complaints and investigations.

c. Disciplinary Actions

Jeremy LeCrone presented information from the report to the committee. Debi Ulmer asked if it would be possible to receive the report by the different private security entities. For example, have it broken out by security guards, locksmiths, etc. Service Director Sims replied that the report follows the format of the annual agency report that RSD is required to submit. He stated that in the future RSD could evaluate the possibility of breaking this information down by private security type as an ad-hoc report when requested.

d. Licensing Statistics

Ryan Garcia presented information from the report to the committee. Debi Ulmer asked if this part of the report could also be broken down by private security type.

5. Industry Reports

a. Security Officers

Tucker Witt addressed the committee stating there were two items that had been brought to his attention for discussion with the committee. The first was a concern regarding if Level IV companies must provide their staff with a W-2 or if they can be considered contractors. Steve Moninger stated there is a rule that addresses this issue. Employees must be covered by the company's insurance and the company has the responsibility for the employees, so the public can be protected. Individuals working for these companies cannot be completely independent because they must be attached to a company. Whether the employees receive a

1099 or a W-2, it is not a concern for the committee. Patti James suggested that Tucker point those questioning this issue to a licensed CPA for assistance. Steve Moninger added that the issue is whether they are truly subcontractors or employees. Those paid with a 1099 does not necessarily mean they are a contractor. Either way they are either covered by the company's insurance or they need a company license.

Tucker Witt stated the second issue he wished to discuss was whether a Level II uniformed guard can escort a person and whether that would be considered Personal Protection Officer (PPO) work. Steve Moninger answered that guard services are defined to include such services such as a department store guard walking someone to their car. The difference is whether a firearm is being carried and the individual is in plain clothes, and being paid specifically to protect a particular individual. When it is defined as a secondary or tertiary responsibility of their job, Level II Security Guards can escort people to and from specific places without it being considered PPO and needing that type of licensure.

b. Investigators

Patti James addressed the committee stating there would always be a lot of unlicensed information coming in, unless terminology is changed. She stated people have pocket cards that say Licensed Investigator; however, they cannot work without being attached to a company license. This is a cause for confusion, in that the public sees that term and thinks that the person is licensed.

Patti James also stated she received a letter from one of the TALI regional directors who was looking for a list of licensed names and companies to use for membership efforts, and asked if RSD could provide that information. Service Director Chris Sims stated that the information could be obtained through the Open Records process and that all allowable information would be released.

DJ Seeger asked a question related to private investigators. He stated his company had been hired to look for a missing person whose remains were found. The Sheriff's office determined the case to be unsolvable, but the family has asked his company to donate money to help them hire a private investigator to investigate the case. DJ asked if this was something that a private investigator could do. Patti answered stating that a private investigator could investigate the death of this missing person if they had a contract outlining expectations.

c. Alarm systems and Electronic Access Control

Debi Ulmer stated she had nothing to report.

d. Locksmiths

John Helweg stated he had nothing to report.

e. Public Report

Wade Hayden stated he had nothing to report.

6. Discussion and Possible Recommendation Items

Steve Moninger addressed the committee stating that the Rules previously discussed were effective.

Rule §3581 was amended to require a commissioned security officer to complete and submit the MMPI, as well as modifying the rules of a PPO. In addition, amendments were made to the Alarm Training School license requirements, they are now similar to the requirements for Locksmith and Guard Company Schools. Steve Moninger stated that the rules regarding standards of conduct, and drug free workplace were removed from consideration by the Public Safety Commission (PSC) to further amend the rule changes. This was due to comments received regarding holding the companies responsible for the actions of their unlicensed and unregulated people.

Steve Moninger also stated that the amendments to the firearm standards, allowing commissioned security guards who are peace officers or retired peace officers to carry rifles, was also moving forward and would be considered for final adoption by the PSC at its meeting in February.

DJ Seeger asked if security guards hired for a particular floor of a multi-tenant building have jurisdiction over other floors of a building in case of an emergency. Tucker Witt stated that the person would not have the authority to get involved on other floors of the building if his contract specifically stated that they are contracted with the company that occupies the space of a specific floor. The most they could do would be to contact local authorities and observe and report. Steve Moninger added that they are in the same position as a private citizen in terms of engaging with someone or making a citizen's arrest. But this would be putting the employer at risk for liability for anything that they did.

7. Future agenda items

There were no future agenda items presented.

John Helweg informed the committee of a company who may be installing traffic cameras in the Houston area without a license. He stated that the company is licensed in Georgia and Michigan but not Texas. He asked what the best approach would be in this situation. He mentioned that the company's website stated that their artificial intelligence tools can flag a person's license plate and provide notification. Patti James asked if the company is using this information to notify police, to which John stated they will provide the information to anyone who is paying a fee. Service Director Ron Joy stated that RSD would investigate this matter further.

8. Date of next meeting

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

9. Adjourn

Meeting adjourned at 11:53 a.m.