

Texas Private Security Advisory Committee (TPSAC)

Meeting Minutes

April 10, 2024

1. Call to Order

The regular meeting of the Texas Private Security Advisory Committee was called to order at 11:04 a.m. on April 10, 2024, via WebEx conference call as well as in person at 5806 Guadalupe St, Building I, Austin, Tx 78752.

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 Systems 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
Lisa Cargill	RSD Manager	Texas Department of Public Safety
Patricia Herrera	CES Specialist	Texas Department of Public Safety
Haydee Saenz	CES Specialist	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Lawrence Cortez	RSD Supervisor	Texas Department of Public Safety
Pablo Luna	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 January 10, 2024

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

4. Quarterly Reports from Regulatory Services Division

a. Executive Office Report

There was no report at this time.

b. Complaints/Investigations

Service Director Ron Joy addressed the committee stating Fiscal Year 2024 to date showed the Regulatory Service Division (RSD) had received 324 complaints and conducted 1897 inspections. One operation highlighted was conducted on Saturday, March 2nd at the Circuit of the Americas. The event was scheduled to be a large-scale event. DPS had received a complaint that security companies were employing unlicensed guards. DPS utilized multiple resources for this event, including personnel from the Criminal Investigations Division (CID). Numerous violations were found across four companies and 27 guards were removed due to being unlicensed. Service Director Joy explained that there were 50,000 – 75,000 people in attendance and it was the largest event he or Captain Mark Berry had had exposure to for an operation of this kind. As a result, Captain Berry will be defining how to conduct an operation of this size in the future.

Chairwoman Patti James asked how many staff were in attendance. Service Director Joy stated that there were about 36 people there, as mixture of RSD staff, commissioned law enforcement officers and a case support analyst, but more were needed.

c. Disciplinary Actions

Program Manager Pablo Luna addressed the committee regarding the disciplinary action section of the quarterly report.

John Helweg stated the report showed a spike in license suspensions in September of 2023 and asked why. Pablo Luna stated that with September being the beginning of the fiscal year it allows the division to do some cleanup of information, and the report reflects that process.

d. Licensing Statistics

Program Manager Ryan Garcia addressed the committee regarding the licensing statistics section of the quarterly report. He stated there has been a steady increase in licenses issued which correlates to the number of applications that are being received. He stated he was unsure as to why there has been such an increase in applications but suspects it might be due to the increase in population of the state.

Chairwoman Patti James asked if the applicants were all US citizens. Ryan Garcia stated that the only applications that receive additional checks for citizenship by DPS are those who are required to carry a gun. Unarmed applicants' citizenship is expected to be verified by their employers.

DJ Seeger asked if the 10,451 individual licenses reported applied to all private security licenses, to which Mr. Garcia answered that it did and that the number was reflective of the endorsements and not necessarily unique individuals. As an example, if a person has a locksmith, an electronic access, and private investigator endorsement on their card, they will have three licenses attributed to them.

5. Industry Reports

a. Security Officers

Tucker Witt stated he had nothing new to report at this time.

b. Investigators

Patti James stated she had nothing new to report at this time. She did, however, have a question regarding disciplinary hearings. Ms. James stated that when they were the Texas Private Security Board, they would hold disciplinary hearings during the meeting, and she wondered how the Public Safety Commission (PSC) managed that process now. Steve Moninger stated that DPS General Counsel set up a policy when SB616 went into effect that changed how disciplinary hearings were managed. He stated that if the Proposal For Decision (PFD) is against the department, but doesn't seem problematic, the department will accept the decision. If the PFD is in favor of the department, but the individual wants to appeal, then they will be heard by the PSC.

c. Alarm systems and Electronic Access Control

Debi Ulmer stated she had nothing new to report at this time.

d. Locksmiths

John Helweg stated he had nothing new to report at this time.

e. Public Report

Wade Hayden stated he had nothing new to report at this time.

6. Discussion and Possible Recommendation Items

a. Proposed Amendments to §35.41, Company Representative, and 35.161, Continuing Education Requirements, requiring company representatives to obtain continuing education credits.

Steve Moninger addressed the committee stating that in 2019 the Sunset Commission recommended eliminating licenses for Managers. They were responsible for overseeing compliance of the company's license. As a response to this, by rule the department created the Company Representative, using as a basis the statutory authority of 1702.110. Each officer who oversees the security related aspects of the business, and each partner or shareholder who holds at least 25% interest, must submit fingerprints, and one is the Company Representative. Disciplinary actions can only be imposed against the company, as the department does not regulate the individuals. For this reason, Continuing Education (CE) was not required. Mr. Moninger stated that a request for this change was received and he wanted to bring it forward to the committee for discussion. He stated that while they do not have authority over the individuals per se, they do have some authority to hold the company responsible for making sure the person designated as the Company Representative has the experience required. If this person is responsible for compliance of the company, they should therefore have some ongoing training requirement.

He stated that this idea was brought to him by a member of ASSIST and while the department was neutral on this topic, Mr. Moninger drafted rule language to facilitate discussion for the committee.

Chairwoman James stated that since this was proposed by ASSIST, she asked Tucker Witt's opinion and if he thought it was a necessary requirement. Tucker Witt stated he thought it was a good idea in general and not an overstep. He stated that he himself had to take the Manager's Exam, which was an open book test. He

stated that DPS already has the Company Representative as a point of contact to who, on some level, is responsible for making sure that the company is in compliance. Mr. Witt read part B of the proposed rule: "Noncommissioned Security Officers and all individuals not required to obtain a commission or license under the Act are specifically exempted" and asked if that meant that Level II companies who only do level II work, would not be required to complete the CE requirement. Mr. Moninger stated that part B refers to individual licenses, so if someone is licensed as a noncommissioned officer, they would not have any CE to complete, but if they are a Company Representative they would.

Wade Hayden asked if he was correct in understanding that a Company Representative who holds any other license is then subject to the license requirements and Continuing Education (CE) requirements, but the Company Representative holding no other license is not currently obligated to complete the CE. Mr. Moninger stated that was correct.

Chairwoman Patti James asked whether the change being requested is to require Company Representatives to complete CEUs or to license them. Steve Moninger stated that the department does not regulate in the sense that they are required to be licensed, but they are required to submit prints. If these individuals were to be found ineligible by way of a criminal offense, the department would take action against the company. He continued by saying Company Representatives already have a presence in TOPS, so there should not be any administrative difficulty in tracking CEUs without them being attached to an individual license.

Wade Hayden asked for additional information regarding the scope of the effect of this change. He requested information on how many Company Representatives that this would potentially impact, as well as the total number of Company Representatives. Ryan Garcia explained that every company is required to have a Company Representative, but that representative can serve for more than one company. He asked for clarification that the committee wanted to know the number of individuals who are designated as a Company Representative but who holds no other individual licenses.

John Helweg made a motion to table further discussion of this issue. Wade Hayden seconded the motion to table this issue until the next meeting pending receipt of all requested information. The committee vote was unanimous. DJ Seeger asked if someone would be able to reach out to the author of this request to gain more information regarding the spirit of this rule change in order to assist the committee in formatting an appropriate response. Tucker Witt stated that he would make contact.

7. Future agenda items

There were no future agenda items presented.

John Helweg stated that at the previous meeting he had introduced an issue with Flock Safety as a company that was acting as an alarm company installing cameras without being licensed. He asked if DPS had any updates concerning this company. Ron Joy stated that the matter was investigated, and it was found that the company was subcontracting with another licensed company, so no violation occurred.

8. Date of next meeting

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

9. Adjourn

Meeting adjourned at 11:56 a.m.