

TEXAS PRIVATE SECURITY BOARD

**REGULARLY SCHEDULED BOARD MEETING HELD AT 9:00 A.M.,
OCTOBER 8, 2009**

**TEXAS DEPARTMENT OF PUBLIC SAFETY
6100 GUADALUPE ST. BUILDING E
CRIMINAL LAW ENFORCEMENT BUILDING
AUSTIN, TX 78752**

BOARD MEMBERS PRESENT:

Honorable John Chism, Chairman
Honorable Howard Johnsen, Vice-Chairman
Honorable Mark Smith, Secretary
Honorable Charles Crenshaw
Honorable Doris Washington
Honorable Patrick Patterson

BOARD MEMBERS NOT PRESENT:

Honorable Stella Caldera

STAFF PRESENT:

Wayne Mueller, Assistant Chief of Operations, Regulatory Licensing Division,
Texas Department of Public Safety;
RenEarl Bowie, Captain- Manager, Private Security Bureau,
Texas Department of Public Safety;
Steve Moninger, Senior Staff Attorney, Regulatory Licensing Division,
Texas Department of Public Safety;
Jean O'Shaw, Private Security Board Attorney, Regulatory Licensing Division,
Texas Department of Public Safety;
Reggie Andrews, Program Supervisor II – Licensing, Private Security Bureau;
Adam Park, Lieutenant – Investigations, Private Security Bureau;
Other members of the staff;
Members of the industry;
Members of the general public.

MINUTES

These minutes are a summary record of the Board's work session meeting. This 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 video DVD on file at the Board's office.

The Board meeting was called to order at 9:03a.m.

Chairman Chism welcomed everyone to the meeting and asked that all cell phones and pagers be turned off or set to vibrate for the duration of the meeting. Chairman Chism went on to ask

Captain Bowie to introduce the Bureau's new Lieutenant. Captain Bowie began by saying that after an extensive search and interviewing several candidates, the Bureau successfully hired Adam Park. He stated Lieutenant Park has been with the Department for some time and came to the Bureau from Human Resources Division in Recruitment. Lieutenant Park addressed the Board saying he was coming over to the Private Security Bureau from H.R. recruitment as a polygraph examiner. He stated that he spent the last two years performing pre-employment polygraphs. He concluded by saying he was proud and honored to be a member of the Private Security Bureau and that he looked forward to working with the members of the Board as well as members of the industry.

Chairman Chism went on to welcome Karen Hewitt, a representative of the University of North Texas. She in turn introduced Ken Robertson, a Vice-President of University of North Texas as well as President of The Professional Development Institute. She also introduced Dr. Scott Belshaw, a former Private Investigator and now a professor in the Criminal Justice Division of University of North Texas.

Chairman Chism then welcomed the new ASSIST president Bob Burt. Mr. Burt made a brief statement saying he wished to thank the Private Security Board for their hard work, as well as Captain Bowie and the rest of the Bureau.

Chairman Chism also welcomed the Boards of TALI, ASSIST, and TLA.

Agenda Item I: Approval of Minutes for Board Meeting from August 27, 2009.

Chairman Chism introduced this agenda item. On a motion made by Secretary Smith and seconded by Board member Crenshaw, the Board voted unanimously to approve the Minutes for the Board meeting of August 27, 2009 as written.

Agenda Item II: Election of board Officers as set out in §1702.026.

Chairman Chism introduced this agenda item. Mr. Chism stated he had received two nominations for Board officers. The first nomination was for Mr. Howard Johnsen to hold the position of Vice-Chairman. There were no other nominations for this position. The second nomination he received was for Mr. Mark Smith to hold the position of Secretary. There were no other nominations for this position. On a motion made by Board member Crenshaw and seconded by Board member Washington, the Board voted unanimously to re-elect Mr. Howard Johnsen for Vice-Chairman and Mr. Mark Smith for Secretary.

Agenda Item III: Discussion and possible action relating to Registrations and Endorsements.

Reggie Andrews presented this item to the Board. He stated he had been tasked with developing endorsements and pocket card types. He stated he came up with a Q & A sheet that may help answer everyone's questions. He went on to say, currently, everyone is issued 1 pocket card for each different type of registration and people can end up with a notebook full of pocket cards. He stated he had narrowed these many different types down to three basic types: Unarmed

Registration, Instructor Registration, and Commissioned Security Officer. He went on to read the following into record:

How many pocket cards can a registrant possess?

A registrant can possess up to three cards (Unarmed Registration, Instructor Registration and Commissioned Security Officer Card)

What is the meaning of “Endorsement”?

“Endorsement” means a permit entitling an individual holding a registration to perform a regulated service for an appropriately licensed company.

Currently, I work for a licensed company and possess an “Active” Locksmith pocket card. My company now wants to add an Alarm Installer to my pocket card, can this be done?

1. The licensed company will submit an Original Application for that registration type.
2. The fee to add an initial endorsement is the “initial” application fee.
3. A new pocket card will be issued displaying the added endorsement(s).

Currently, I work for a licensed company and have an “Active” pocket card in my possession but I would like to work in a different regulated service, how can I have an endorsement added to my pocket card?

1. A licensed company should perform an “Individual” search on the PSB website to ensure the registrant does not hold a pocket card with the same type of registration.
2. The new employer will need to submit an Original Application form prescribed by PSB.
3. The fee to add an initial endorsement is the “initial” application fee.
4. A new pocket card will be issued displaying the added endorsement(s).

Currently, I have an active Non-commissioned Security Officer pocket card, can I add a Commissioned Security Officer or Instructor to this card?

No, an endorsement for a Commissioned Security Officer or Instructor may not be added to your Non-Commissioned Security Officer card or any Unarmed Registration types based on different statutory requirements.

Can I have an endorsement deleted from my pocket card?

1. Yes, a licensed company will need to submit a completed endorsement form prescribed by PSB.
2. The fee to delete an endorsement is \$10.00.
3. A new pocket card will be issued displaying the deleted endorsement(s).

How are the registration and endorsement fee calculated during the renewal period?

The registrant must submit the appropriate registration fee according to the PSB original/renewal fee structure and submit the \$10.00 fee for each endorsement held during that renewal period.

Mr. Andrews then went on to describe each pocket card. He stated Unarmed Registration cards will be printed in blue, and cover 20 types of individual registrations. He also stated Instructor Registration cards will be printed in purple, and cover 6 types of instructors. Finally he explained that Commission Cards will be printed in red, display type of weapon, and cover 2 types of commission officers.

Mr. Chism asked if there were any questions regarding the endorsements and pocket cards. Mr. George Craig asked what GLOA stood for, to which Mr. Andrews replied, Governmental Letter of Authority. Vice-Chairman Johnsen asked for clarification; if person had 2 individual registrations those would be endorsements and listed on the same card. Mr. Andrews stated that they would be listed on the back of the card. Mr. Johnsen went on to ask if a person licensed as an alarm installer wants to do locksmith work would that person have to have endorsements. Mr. Andrews stated that they are two different types of registrations and that the person would need the endorsement added. Mr. Johnsen stated he thought an alarm installer could do locksmith work as well. Mr. Andrews stated that the original application would be for registration as an alarm installer. If the person came back stating they wanted to do locksmith work, that would require adding an endorsement to the original registration card. Chairman Chism interjected that each is done by a different company; one company doing alarms one company doing locksmith duties. He went on to say that if an individual were seeking to do work that doesn't normally fall under that company's license, that individual would need to go to another company and get added endorsements to his card. Mr. Johnsen asked if an alarm company is doing electronic access, would an individual need to get an endorsement. Mr. Andrews stated the person would have to seek an endorsement if they were hired as an alarm installer and went to doing electronic access, as they are currently considered two separate types of registration. Board member Crenshaw stated that the Alarm industry looks at all of this as one developed industry and considers installing electronic devices as part of their job. He stated that he would not want to have to carry two licenses. Mr. Johnsen asked why this would be changed when it is considered the same registration at this time. Mr. Andrews stated, at this time, the Bureau does consider electronic access installation and alarm installation separate, and do separate registrations for each. Mr. Johnsen asked if he was correct in thinking alarm installers are allowed to install electronic access devices, but that electronic access installers are not allowed to install alarms. Mr. Andrews stated this was correct and therefore believed Mr. Crenshaw would have his employees registered as alarm installers. He went on to say if an individual worked for Mr. Crenshaw's company as an alarm installer, then decided to go to work for company ABC, who is licensed as an electronic access company, that company would submit an application to have an electronic access endorsement added to the individual's pocket card. Mr. Johnsen went on to say there was a lot of cross over in these endorsements and the best thing for him to do would be to sit down and further discuss the issue with Mr. Andrews. He further stated there should be discussion on the endorsements to try to simplify them as much as they can be as well as making them all encompassing. Chairman Chism stated the key to the endorsements lies in what the companies are licensed to do. A security guard company could not have an endorsement added to someone's pocket card for private investigation work, unless that company holds a Class C

license. He also stated Reggie Andrews should sit down with any board member who had questions. He went on to say a meeting should be held between the Bureau, an appointed Board committee and members of the industry to get the particulars worked out, as this is a work in progress. He further stated the issue could then be revisited at the next Board meeting in January.

On a motion made by Board member Crenshaw, and seconded by Secretary Smith, the Board voted unanimously to have a committee appointed to review the issue of endorsements. Chairman Chism appointed Vice-Chairman Johnsen, Secretary Smith, and Board member Crenshaw.

Mr. Johnsen asked a final question of Mr. Andrews: would these new pocket cards be like the driver licenses with an electronic picture. Mr. Andrews confirmed that they would be similar.

Agenda Item IV: Private Investigators Course Presentation to the Board- Karen Hewitt and the University of North Texas.

Chairman Chism introduced this agenda item, stating Karen Hewitt would be presenting a new program to be taught state-wide by the University of North Texas. He went on to say the presenters were asking the Board to consider their program of 218 classroom hours as a replacement to the 3 years experience as investigator as stated under 1702. He also stated that at this time the Board recognizes a degree in Criminal Justice as a replacement to the 3 year requirement.

Karen Hewitt addressed the Board. She stated she wished to thank the Board for the opportunity to address them regarding this new program. She stated the program was actually still in development and was not yet operational. She went on to say the program has been the brainchild of the University of North Texas for a number of years, but has actually come to fruition in part to the hiring of Dr. Scott Belshaw as a professor in their Criminal Justice department. She further stated Dr. Belshaw spent a number of years as a private investigator while seeking his PhD. She also stated the University of North Texas has a division known as the Professional Development Institute, which handles training for certain industries. She went on to explain that many hours were spent discussing curriculum and deciding what was needed in order for private investigators to hit the ground running once they received their license. She stated they came up with a program that required 218 hours of actual classroom training taught by licensed private investigators, attorneys, and professors. She continued stating the program would be held in a university setting and has the full backing of the University of North Texas. She further stated they hoped to begin the program in early 2010 in Dallas and Houston with the hope of expanding to other cities as the program grew. She also stated the program will be four and a half months long and will cover topics such as 1702, ethics, Board rules and regulations as well as the technical training needed.

Scott Belshaw was next to address the Board. He stated he has felt a need for this type of training for a number of years. He stated he was an investigator for the probation department and while he had the requirements required by the Board, he felt that he didn't have the day to day operational training. He further stated he believes this program will give the graduates the

skills they will need to be successful private investigators. He went on to say that the University of North Texas has approved him to teach undergraduate classes on introduction to private investigations. He also stated this program would offer a mentoring component, giving students a chance to work with different licensed investigators and creating a network and strong bonds.

Ken Robertson also addressed the Board regarding the new private investigators program. He stated PDI (Professional Development Institute) has been in operation for 35 years providing professional education for several areas including CPAs, Financial Planning Boards, and various accreditation agencies. He stated one thing PDI does is identify a profession and see if there is anything that they can do to help that profession. He went on to say they wish to be the standard of education and on-going training.

Chairman Chism again stated that the presentation was done in order to ask the Board to consider allowing the course to replace the three years experience that is now required. He stated the Board did have the authority to authorize this in accordance to 1702, similarly to allowing a bachelor degree to replace the three year experience. He further stated the Board should take the presentation into consideration; meet with staff to get their opinion and render a decision by the time PDI gets ready to put the program into place. Vice-Chairman Johnsen stated there is a timeline on making a decision since they are looking to implement the program in March 2010. Chairman Chism agreed, stating the Board and Bureau could look over the proposal and make a decision at the next Board meeting in January. Board member Patterson made the comment that sometimes the industry gets into a position of having to rely on private investigators to resolve issues such as work-place violence or stalking and thought the program was a welcome idea. Board member Crenshaw asked if the course would be offered on-line at all. Ms. Hewitt answered that the course would only be offered in a classroom, college setting. Mr. Belshaw stated the course would be taking place at a university consortium in Dallas where several universities instruct and at the University of St. Thomas in Houston. Mr. Robertson stated the course may be offered online in the future, but at this time, in order to start it correctly and get it done well it would only be offered in the classroom.

Agenda Item V: Executive Session as authorized under §551.071.

The Board did not take Executive Session at this time.

Agenda Item VI: Report from Private Security Bureau.

Captain Bowie presented the Investigation statistics to the Board. He stated there was a spike in the number of cases investigated for the period of 7/1/09-9/30/09. He went on to say this was due to the closing of old cases and not necessarily due to an increase in activity. He further stated the number of violations investigated for this time period was 1565. He also stated there were 27 cases of operating with an expired license, 270 cases of operating with a suspended license, 74 cases of operating without a license, and 134 cases of failure to register employees. He went on to say there were 25 cases presented to prosecutors. He further stated that for the same time period there were 1110 cases closed with no action, 256 cases resulting in administrative citation, 128 cases closed with administrative warning, and 71 closed with some other type of administrative or criminal action being taken.

Captain Bowie also stated he had recently had the opportunity to go to Dallas to meet with a Private Investigator association and discuss concerns that they had. He stated their main concern was large sporting venues employing potentially unlicensed people as security guards. As a result of their concern, Captain Bowie stated he was tasked with taking on such entities as the Dallas Cowboys. He went on to say Troopers in the Dallas area have begun looking into these venues and working with them to employ licensed individuals. He also stated that as a result of their investigations some arrests have already been made.

Captain Bowie further stated he had also recently met with the Locksmiths who voiced their concerns about unlicensed activity. He stated there were two arrests made in East Texas and another company, 24 Hour Locksmiths, was now minus two employees as well. He went on to say that in West Texas one arrest was made. Again, he stated these investigations came about from concerns from the industry.

Chairman Chism asked if the Bureau had been contacted regarding security for the 2010 Super Bowl. Captain Bowie stated that the Bureau had been contacted by individuals in the profession who have offered guidance and input and also made requests. He stated this will be a big deal, just as the 2005 Super Bowl which was held in Houston, so the Bureau needed to start working on it now in order to get ready. Mr. Chism stated he heard they have their own security team that they move from one Super Bowl to the next. He also stated the Board and Bureau would have to find some way to work with them as an out of state security organization. Captain Bowie replied that that was the National Football League and would have to be looked at. He also stated he felt it should be treated the same way as hurricane duty, ensuring everyone is in compliance and playing on a level field.

The next issue addressed by Captain Bowie concerned changes in training. He stated that, as the Board was aware, they were doing away with the Level I training as it is obsolete. He stated the Bureau would be posting changes to Level II on the website in the coming weeks. The changes to the Level II training would be a clean up and update some information. He went on to say that the majority of the calls he has been getting concerning training have been directed at the Level III and Level IV training for Commissioned officers and PPOs. He further stated that the Bureau would be setting up a "train the trainer" program in order to train Level III instructors on the curriculum and then have them go out and instruct others. He stated that this is not completed yet, but is in the works. Finally he encouraged anyone who has questions regarding this to go through their trade association to contact him directly.

Reggie Andrews began by introducing new members of the Private Security Bureau. He introduced Emily Munoz, who is a new addition to the investigations section. He then introduced Yolanda Martin, Jennifer Harville, and Ryan Garcia who are new members of the licensing section.

Mr. Andrews continued by announcing the Licensing Totals for the 4th quarter, 7/11/09 to 10/5/09. He stated that for this time period the Bureau received 115 original company applications, 1,248 company renewals, 7,547 original individual applications, and 6,657 individual renewals not including on-line applications. Mr. Andrews went on to state for the

same time period the Bureau processed the following licenses/registrations: 177 original company licenses (72 on line, 105 manual), 1,238 company renewals (755 on line, 483 manual), 9,454 individual registrations (1672 on line, 7,782 manual), 6,386 individual registration renewals (2,162 on line, 4,224 manual), and 4,824 employee information updates (769 on line, 4,055 manual). Mr. Andrews also stated that as of 10/5/09 the Bureau has 5,248 active company licenses, 190 active school licenses, and 121,073 active individual registrants. He also reminded everyone that these licensing statistics could also be found on the PSB website under quarterly totals. Chairman Chism pointed out that the totals for the online company registrations and renewals seem to be improving while the individual registrations and renewals online are far behind the manual method.

Secretary Smith asked what percentages of applications are rejected due to the results of a criminal background check. Captain Bowie stated that while he did not have specific numbers available, he estimated there were about 2000 applications in the last 90 days that came up with criminal history that needed to be resolved. He stated some of those were cleared up and some were in fact disqualifying, but for specific numbers he would have to go back and check. Secretary Smith stated that he not only wanted to know the overall rejection rate, but he would also like to know if it is possible to look at a particular company's rate of rejection as well. He stated he heard a story that the average rejection rate is 50% and found that impossible to believe. He went on to say he did an internal audit of his own company and found they have a less than 1% rejection rate of applicants. He further stated that his company does some pre-screening through Social Security office, DPS, and Public Data.com. He stated that with just doing that little bit of due diligence nearly all of their applicants come back as hireable. He stated that he felt even a 10% rejection rate is too much and if a company has that type of rate they probably aren't doing their part of due diligence. Captain Bowie stated this is definitely something the Bureau can look into and to get started can provide the number of applicants that were rejected based on their criminal history. He also stated that as far as targeting a specific company, the Bureau does not have that capability yet. Vice-Chairman Johnsen asked if the Bureau puts people in the system that are not eligible for licenses in order to know there is a problem with that person should they send in an additional application. Both Captain Bowie and Mr. Andrews stated that the Bureau does put the applicants in the system for such knowledge. Board member Patterson commented that 6% to 12% of applicants, industry wide, will lie on their application about their criminal history. Captain Bowie stated the Bureau has had people come in to take the manager's exam with criminal history issues that have had to be addressed at the door. Mr. Moninger cautioned the Board about relying on past denials as the statute changes and just because someone was once ineligible that may have changed with statute and they may now be eligible.

Agenda Item VII: Public Comment

Bonnie Brown Morse-, president of Locksmith Association of San Antonio, addressed the Board. She began by saying that there continues to be a problem with experience for start up locksmith companies. She also commented regarding the issue of online applications versus paper applications, saying due to the need to submit fingerprint cards and the lack of availability in the rural areas, many of the applicants continue to use the more traditional method for submitting applications.

John Arnold-, president of Texas Locksmith Association, addressed the Board. He began by stating how happy TLA was with the job that the Board and the Bureau were doing. He stated that by talking to locksmiths from other states it is evident that they are people who care about the locksmith business, as well as the public and who try to do the right thing. He went on to say he recently spoke to an individual who left the state but returned to Texas and applied for a locksmith registration in May. He stated the person received an email in October giving him approval. He further stated the application floated around for four to six months before it was approved. He stated they wished to see something done to make the process go a little faster, as four to six months seems to be the norm. Another issue he brought to the Board's attention was the fact that most locksmiths have to carry three pocket cards, while alarm companies are allowed to carry only one card while doing what the locksmiths do. He stated locksmiths have to pay for separate registrations as locksmiths, and electronic access, etc. He stated they would like to see a more uniform rule for the registrations and endorsements.

George Craig-, with SecureCo. Inc., asked the status of the pending Rule changes. Steve Moninger responded by saying the Rule changes were submitted to the Office of General Council where they are waiting to be published with Texas Register. He further stated that 30 days after that happens the Rules will go before the Public Safety Commission for approval. He also stated that the Rules that were affected by the Sunset Bill are currently being applied and used by the Bureau.

Bob Burt-, president of Associated Security Services and Investigators of the State of Texas, addressed the Board. He stated that he wished to address an issue with them as well as Captain Bowie in hopes of resolving the issue. He stated it was brought to his attention that company inquiries are being categorized as complaints. He went on to explain that an owner approached him regarding an incident where they were sitting down with a potential client who asked if the company had had any complaints against them with the Private Security Bureau, to which she replied no. The client then pulled out a stack of 49 pages that were inquiries, but categorized as complaints. He stated the Board and Bureau needed to work to ensure that such potentially damaging information is categorized correctly.

Chairman Chism called for a break at 10:10 am.

Chairman Chism called the meeting back to order at 10:30 am.

Assistant Chief Wayne Mueller asked to address the Board. He began by informing the Board of recent changes within the Department. He stated that the Regulatory Licensing Service, which consisted of the Private Security Bureau and Concealed Handgun Licensing Bureau is now the Regulatory Licensing Division. He also stated that the Division now has Vehicle Services Bureau, Narcotic Regulation Bureau, and the Metal Recycling Bureau added along with the Private Security Bureau and Concealed Handgun Licensing Bureau. He went on to say another change that has recently occurred, was the change of his title from Assistant Chief of Regulatory Licensing Service to Deputy Assistant Director of Regulatory Licensing Division. He stated Mr.

John Jones was also added to management as Assistant Director. Mr. Mueller went on to say Mr. Jones is the top guy of the Division and comes to DPS from the United States Navy. He further stated that he wished to keep the Board aware that the Bureau and DPS as a whole are undergoing structural changes, and if any of the board members have questions, not to hesitate to contact either himself or Mr. Jones.

John Jones was next to address the Board. He stated he has been in the military for the last thirteen years, but it was good to come back to Texas. He also stated he looked forward to working at DPS and with the Board for the State of Texas.

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

Steve Moninger presented the Hearing cases to the Board.

Johnny Norris- Docket No. 004662009

Mr. Norris was present to address the Board on this case, but did not have counsel present on his behalf. Mr. Moninger stated Mr. Norris was denied application for registration as a commissioned Security Officer based on his two domestic assault convictions which make him federally disqualified to carry a firearm. He also stated the SOAH judge also agreed that Mr. Norris should be denied. Secretary Smith asked if a person is disqualified for 10 years on a Class A misdemeanor, to which Mr. Moninger stated it was 10 years from the date of conviction. Secretary Smith asked if there were any extra penalty if a person is convicted of 2 Class A misdemeanors. Mr. Moninger stated there was no extra penalty, but that the Bureau went with the most recent conviction date. Mr. Moninger asked the Board to uphold SOAH's decision and deny Mr. Norris' application. Mr. Norris addressed the Board stating he had no statement on his convictions, but rather was only there to see the outcome of the Board's decision.

Secretary Smith made a motion to uphold SOAH's decision and deny Mr. Norris' application for commissioned security officer. Board member Patterson seconded the motion, and the Board voted unanimously in favor of the motion. Mr. Norris' application for commissioned security officer was denied.

Othello Tembo- Docket No. 004922009

Mr. Tembo was not present to address the Board on this case, nor did he have counsel present on his behalf. Mr. Moninger stated the Bureau was seeking to revoke Mr. Tembo's registration as a non-commissioned security officer based on his Class A misdemeanor conviction for Assault Causing Bodily Injury to a Family Member. He stated that the conviction occurred in 2007 making Mr. Tembo disqualified under both the old and new law. He asked the Board to uphold SOAH's decision and revoke Mr. Tembo's registration.

Secretary Smith made a motion to uphold SOAH's decision and revoke Mr. Tembo's registration as a non-commissioned security officer. Board member Crenshaw seconded the motion, and the Board voted unanimously in favor of the motion. Mr. Tembo's registration as a non-commissioned security officer was revoked.

Mitchell Gelman- Docket No. 006152009

Mr. Gelman was present to address the Board on this case, but did not have counsel present on his behalf. Mr. Moninger stated that he presented this case before the Board during the executive session at the last Board meeting. He further stated the Board recommended approval of his license and this was just a formality since there was a pending proposal for decision that needed to be ruled on. Lastly, he asked the Board to affirm the proposal for decision. Chairman Chism asked Mr. Gelman if he wished to address the Board in this matter. Mr. Gelman simply said "Thank you".

Secretary Smith made a motion to uphold SOAH's decision and grant Mr. Gelman's application for registration as an alarm installer. Board member Washington seconded the motion, and the Board voted unanimously in favor of the motion. Mr. Gelman's application for registration as an alarm installer was granted.

Dondria Clark- Docket No. 006892009

Ms. Clark was not present to address the Board on this case, nor did she have counsel present on her behalf. Mr. Moninger stated Ms. Clark, aka Ms. Jones, was denied application for a security officer commission based on her felony conviction for Endangering a Child. He further stated that this conviction made it federally disqualifying for her to possess a firearm. He asked the Board to uphold SOAH's decision and deny her application.

Board member Crenshaw made a motion to uphold SOAH's decision and deny Ms. Clark's application for a security officer commission. Secretary Smith seconded the motion, and the Board voted unanimously in favor of the motion. Ms. Clark's application for a security officer commission was denied.

Marcus Morgan- Docket No. 006922009

Mr. Morgan was not present to address the Board on this case, nor did he have counsel present on his behalf. Mr. Moninger stated Mr. Morgan's license as a commissioned security officer and registration as a non-commissioned security officer were revoked based on his Class A misdemeanor conviction for Possession of Prohibited Weapon. He further stated that this conviction is statutorily disqualifying under both the old and new statutes. He asked the Board to uphold SOAH's decision and revoke his license and registration.

Board member Patterson made a motion to uphold SOAH's decision and revoke Mr. Morgan's license as a commissioned security officer as well as his registration as a non-commissioned security officer. Secretary Smith seconded the motion, and the Board voted unanimously in favor of the motion. Mr. Morgan's license as a commissioned security guard and registration as a non-commissioned security guard were both revoked.

Joshua Rejcek- Docket No. 006862009

Mr. Rejcek was not present to address the Board on this case, nor did he have counsel present on his behalf. Mr. Moninger stated Mr. Rejcek was denied application for registration as a non-commissioned security officer based on his "other than honorable" discharge from the military. He further stated Mr. Rejcek requested a SOAH hearing but did not appear, resulting in the judge issuing a default ruling. He asked the Board to uphold SOAH's decision and deny his application.

Secretary Smith made a motion to uphold SOAH's decision and deny Mr. Rejcek's application for registration as a non-commissioned security officer. Board member Patterson seconded the

motion, and the Board voted unanimously in favor of the motion. Mr. Rejcek's application for registration as a non-commissioned security officer was denied.

Agenda Item IX: Advisory Opinion Concerning Licensure of Prospective Applicant.

Captain Bowie presented this item to the Board. He stated the Bureau was seeking an advisory opinion from the Board regarding an individual who had been previously licensed with the Bureau. He went on to state the individual, Mr. Edward Ledsinger, was previously licensed and on January 24, 2007 was convicted of a second degree felony for theft. He stated Mr. Ledsinger's charges were later reduced to a state jail felony and he was indicted by the grand jury. He stated that as a result of the indictment Mr. Ledsinger received deferred adjudication which was to end in November 2009, but was terminated in March 2008. He went on to say that upon consultation with staff counsel it was determined, based on the termination of the deferred adjudication, that Mr. Ledsinger is eligible for licensure. However, he stated, staff had concerns based on Mr. Ledsinger's previous history in regards to not notifying the Bureau of his felony arrest and indictment for theft as per Board rule. He stated this was the reason for the Bureau seeking the Board's opinion in this case.

Chairman Chism asked if Mr. Ledsinger had submitted an application at this time. Captain Bowie responded that it was his understanding that Mr. Ledsinger was advised not to continue with the application process until the Board and Bureau could make a decision on this matter and remove the Investigative Lock that was on his license status. Vice-Chairman Johnsen asked for verification that he was previously licensed. Captain Bowie stated that he was licensed under license number C09858, Cobra Security out of Houston. He also stated that was a combination private investigation and security guard license. Board member Washington asked if a person who is licensed does not report an arrest is that grounds for revoking a license. Captain Bowie stated it was grounds for administrative action, such as a fine. Board member Washington then asked if she understood correctly that because of the status of Mr. Ledsinger's crime he is eligible to be licensed, but it was questionable due to his not reporting the arrest. She then asked if there was anything in Board Rules stating that his license could be revoked, to which Captain Bowie stated no. Board member Washington asked what the Bureau was seeking to be done. Captain Bowie stated the Board had a few options in this matter. He stated that the Board could just advise the Bureau to issue his license straight out, or the Board could place him on some sort of limited approval for a period of time. He went on to say that there is nothing to prevent Mr. Ledsinger from applying for a license and if the Bureau were to deny it he could take it to SOAH and the Bureau had nothing concrete to stand on. However, he continued, in the interest of the profession the Bureau was seeking the Board's advice on the matter to see if they deem this person to be placed on some sort of limited approval based on his failure to comply with the Administrative Rules. Secretary Smith asked Mr. Moninger his legal opinion on if Mr. Ledsinger took his case to SOAH, what would be the likely outcome. Mr. Moninger stated that SOAH would probably tell the Board to issue him his license. Board member Patterson asked Mr. Moninger if he were correct in thinking that deferred adjudication was a plea which meant that after six months the conviction is nullified. Mr. Moninger stated once he completed his probation or served his time it is not a disqualifying conviction. He also stated there were issues with using the documents from that hearing. Board member Patterson asked when the deferred adjudication was terminated did it mean the conviction no longer stood. Chairman Chism asked

Board counsel, Jean O'Shaw to explain deferred adjudication to the Board. Ms. O'Shaw stated deferred adjudication was a mechanism whereby the criminal court system, pursuant to generally a plea agreement between the defendant and prosecuting attorney, the defendant will admit guilt under a plea of guilty or enter a no lo contender plea, which is a no contest plea. She also stated that pursuant to that agreement the court would find, even though there is grounds to find the person guilty, they will defer entry of that guilty finding upon successful completion of probation which is usually for a specified length of time and little more than six months depending on the felony offense. She further stated that if the person were to successfully complete probation there would be no final conviction entered but there would be a record on their criminal history showing that they served felony or misdemeanor probation. She finished by saying that after a period of time the person could go back to the court and apply for an order of non-disclosure which would have documents pulled from public record.

Board member Crenshaw asked what the fine would be if Mr. Ledsinger were fined for violating the act by not reporting his arrest. Captain Bowie stated it would be a few hundred dollars. Board member Washington stated that while the Board had no legal grounds for denying Mr. Ledsinger a license, she felt that some type of sanction was warranted for his violation of the rules.

Chairman Chism asked Mr. Ledsinger to step forward and address the Board. He asked Mr. Ledsinger if the charges against him were in any way related to a client that he worked for at the time. Mr. Ledsinger stated they were not. He stated that he was approached by an ex-wife of one of his cousins who asked if he was interested in oil and gas leases as an investment. He stated that he didn't question her and tried it a few times, losing money on it at first then making money. He went on to say this went on for 12 years before he was confronted by a Postal Inspector. He stated he was told by the inspector that the lady was fired from her job and being investigated. He further stated they were investigating him as a co-conspirator. He stated it was her job to check the leases and always told him she was buying them from different brokers, when in fact she was changing them in their favor. He stated he was shocked when indicted. He went on to say he had to pay back all of the money they made over the last 12 years from the leases. He also stated he was told by his lawyer that if he had detailed the commission checks he had written to her, he probably wouldn't have been indicted. Chairman Chism asked why he didn't notify the Board of his arrest and indictment. Mr. Ledsinger stated he had never been in trouble with the law before and it took a great toll on him. He stated he didn't even think about notifying the Board. Secretary Smith asked staff what they would be looking for over the next 6 months if the Board were to issue Mr. Ledsinger a temporary or probationary license. Captain Bowie stated that if it were the Board's advice the Bureau could issue him a license on a limited approval status. He stated this would ensure frequent visits to Mr. Ledsinger to make sure he is in compliance with all of the rules and statutes. He also stated that after the time frame set by the Board and if everything goes well, Mr. Ledsinger could then be placed on a full approval status. Vice-chairman Johnsen asked what happened to the person who was indicted along with Mr. Ledsinger. Mr. Ledsinger responded that she didn't receive any time, but had to pay back all of the money as well as receiving probation. He stated she received more probation time than he did, but that was the only difference in their sentencing. Vice-Chairman Johnsen asked if this was his only offense to which staff responded yes.

On a motion made by Board member Washington and seconded by Secretary Smith, the Board voted unanimously to issue Mr. Ledsinger a license on a limited approval status for 6 months and a monetary fine to be assessed. The Board also decided that if there are not incidents with Mr. Ledsinger during the limited approval time his status would be changed to full approval.

Agenda Item X: Executive Session (consultation with attorney) as authorized under §551.071, if necessary.

The Board did not take Executive Session at this time.

Agenda Item XI: Adjournment

Chairman Chism introduced this agenda item. Secretary Smith made a motion for adjournment. Board member Washington seconded the motion, and the Board voted unanimously in favor of the motion. At 11:10 am, the October 8, 2009 meeting of the Private Security Board was adjourned.