

**TEXAS PRIVATE SECURITY BOARD**

**REGULARLY SCHEDULED BOARD MEETING HELD AT 1:00 P.M.,  
MARCH 20, 2012**

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

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**BOARD MEMBERS PRESENT:**

Honorable John Chism, Chairman  
Honorable Howard Johnsen, Vice-Chairman  
Honorable Mark Smith, Secretary  
Honorable Albert Black  
Honorable Charles Crenshaw  
Honorable Brian England

**BOARD MEMBERS NOT PRESENT:**

Honorable Doris Washington

**STAFF PRESENT:**

RenEarl Bowie, Assistant Director, Regulatory Services Division,  
Texas Department of Public Safety;  
Dennis Dobias, Senior Manager, Compliance and Enforcement Service, Regulatory  
Services Division;  
Steve Moninger, Senior Staff Attorney, Office of Regulatory Counsel, Legal Operations;  
Sherry Johnson, Operation Manager – Operations Bureau, Regulatory Services Division;  
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 public meeting. The 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 1:10 p.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.

**Agenda Item V: Executive Session as authorized under §551.071, if necessary.**

Executive Session was called at 1:11pm.

Regular meeting resumed at 1:27pm.

**Agenda Item I: Discussion and possible action regarding proposed Rule §35.47, Residential Solicitation.**

Mr. Moninger stated that during the Executive Session the Board discussed concerns regarding curfew hours stated in this proposed rule. One of the possibilities discussed was stating that license holders or employees of a license holder must comply with local ordinances regarding solicitation.

Chairman Chism asked if there was any further discussion on this matter. There were no additional comments made neither by the Board nor the audience.

On a motion made by Secretary Smith and seconded by Board member England, the Board voted unanimously to modify (d) of the proposed rule to indicate local solicitation ordinances must be observed.

**Agenda Item II: Discussion and possible action regarding proposed amendments to Rule §35.93, Penalty Range.**

Mr. Moninger stated amendments to this rule caused some confusion as to whether the \$1000 fine was for companies or individuals. With that in mind, he stated he changed the language to reflect a \$500 fine for companies who are found to be in violation of Rule §35.47, and a \$100 fine for individuals. Board member England stated that it must be understood by all that the Board's intention is to impose these fines per violation. As an example, he stated, if an individual were to violate Rule §35.47 in a neighborhood where they knocked on 15 doors, that person would have a \$100 fine imposed on them per home for a total of \$1500. Board member Crenshaw stated that after reviewing the new amendments to this rule the locksmith association was in favor of them.

On a motion made by Secretary Smith and seconded by Board member Crenshaw, the Board voted unanimously to accept the amendments as written.

**Agenda Item III: Discussion and possible action regarding proposed amendments to Rule §35.256, Application for a Training Instructor Approval.**

Mr. Moninger stated this rule was up before the Public Safety Commission when a few issues were pointed out by one of the commissioners. He stated that the problematic language was (a) "acceptable and reasonably current". His suggestion was to change it to "current certificates of training for each category, reflecting training completed within two year of the date of application".

On a motion made by Secretary Smith and seconded by Board member Black, the Board voted unanimously to accept the amendments as written.

#### **Agenda Item IV: Public Comment**

There was no public comment

#### **Agenda Item VI: Administrative Hearings on Licensing and Disciplinary Contested Cases**

Ginger Hunter presented the following case to the Board:

##### Esau Guevara- Docket No. 000042012

Mr. Guevara was not present to address the Board on this case, nor did he have counsel present on his behalf. Ms. Hunter stated Mr. Guevara's application for registration as an alarm system installer was denied based on his Class A misdemeanor conviction for Possession of Marijuana.

Secretary Smith made a motion to uphold SOAH's decision to deny Mr. Guevara's application for registration as an alarm system installer. Board member Crenshaw seconded the motion, and the Board voted unanimously in favor of the motion.

Valerina Walters presented the following cases to the Board:

##### Sabaki Protection Team- Docket No. 002812011 and Araceli Rosales- Docket No. 002822011

Neither Ms. Rosales nor a representative from Sabaki was present to address the Board on this case. Neither did they have counsel present on their behalf. Ms. Walters stated the Department was seeking to impose administrative fines against Sabaki Protection Team and Araceli Rosales in the amounts of \$200 and \$500 based on the failure by the licensed company to register employees and perform regulated duties without a valid license.

Secretary Smith made a motion to uphold SOAH's decision to impose administrative fines in the amounts of \$200 and \$500. Board member Black seconded the motion, and the Board voted unanimously in favor of the motion.

Scott Merchant presented the following case to the Board:

##### Josito Smith- Docket No. 003072011

Mr. Smith was not present to address the Board on this case, nor did he have counsel present on his behalf. Mr. Merchant stated Mr. Smith's license as a non-commissioned security officer was suspended based on his pending Class A misdemeanor charge of Assault, Bodily Injury-Family Member.

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

Steve Shuffer presented the following case to the Board:

Richard Roberts- Docket No. 000092012

Mr. Roberts was present to address the Board on this case, but was not represented by counsel. Mr. Shuffer stated Mr. Roberts was denied application as an electronic Access Control Device Installer based on his indictment for the second degree felony offense of Aggravated Assault with a Deadly Weapon.

Mr. Roberts addressed the Board stating that he has worked for his current company for over 20 years. He stated that on April 1, 2011 he was headed back home to Tennessee in a rental vehicle. He went on to explain there was another man on the road following him and the two vehicles changed positions a few times with the man gesturing angrily at him at one point. Mr. Roberts stated he was pulled over in Waco and asked if there had been an incident on the road, to which he answered a man had waved angrily at him, but nothing more. He stated he was asked if he had a weapon in the vehicle and he stated he had a gun zipped up in a suitcase in the back. He stated he had never been arrested before, was not guilty of this charge and is currently fighting the charge.

Chairman Chism asked what company Mr. Roberts worked for, and he replied Stanley Security Solutions. Mr. Chism asked where the weapon was and if at any time he showed it to the other driver. Mr. Roberts replied that it was zipped in a bag in the back of the car and he did not have it out. Board member Crenshaw asked if his access control license was denied and Mr. Shuffer stated both his access control and locksmith licenses were denied. Secretary Smith asked how long he had been licensed before this incident. Mr. Shuffer stated that he was never licensed in the state of Texas; he had only applied for licensure. Board member England asked when his trial date was being held. Mr. Roberts answered it was set for May 7, 2012. Vice-chairman Johnsen asked if he was still employed by Stanley Security Solutions, to which Mr. Roberts stated he was but was on a personal leave of absence. Vice-chairman Johnsen also asked if he was on a job when the incident occurred. Mr. Roberts stated that he was not working; he was on a personal trip to Tennessee to sell his home. Vice-Chairman Johnsen asked what type of work he was doing for Stanley Security Solutions in Texas and for how long. Mr. Roberts replied that he did new installs of locks and wiring and had been doing so since 2009. Board member England asked if he had been doing this work since 2009 without a license in this state. Mr. Roberts stated he applied for a license, but not until December 2010. Mr. Shuffer stated to the board that if Mr. Roberts is found guilty of the charges, according to §35.46 of the Texas Administrative Code, he would be denied licensure for 10 years.

Board member Crenshaw made a motion to uphold SOAH's decision to deny Mr. Robert's application for licensure as an Electronic Access Control Device Installer and Locksmith. Secretary Smith seconded the motion, and the Board voted unanimously in favor of the motion.

**Agenda Item VII: Adjournment**

Chairman Chism introduced this agenda item. Secretary Smith made a motion for adjournment. Board member Crenshaw seconded the motion, and the Board voted unanimously in favor of the motion. At 2:02 pm, the March 20, 2012 meeting of the Private Security Board was adjourned.