

TEXAS PRIVATE SECURITY BOARD

**REGULARLY SCHEDULED BOARD MEETING HELD AT 9:00 A.M.,
April 25, 2017**

**TEXAS DEPARTMENT OF PUBLIC SAFETY
6100 GUADALUPE ST, BLDG E
CRIMINAL INVESTIGATIONS BUILDING
AUSTIN, TX 78752**

BOARD MEMBERS PRESENT:

Honorable Patti James, Chairwoman
Honorable Wade Hayden
Honorable C.D. Siems
Honorable Debbra Ulmer

STAFF PRESENT:

RenEarl Bowie, Assistant Director, Regulatory Services Division;
Louis Beatty, Attorney, Office of General Counsel;
Chris Sims, Senior Manager, Licensing and Registration Service;
Huel Haynes, Manager, Licensing and Registration Service;
Ryan Garcia, Assistant Manager, Licensing and Registration Service;
Aaron Grigsby, Captain, Regulatory Crimes Service;

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 DVD recording on file at the Board's office.

The board meeting was called to order at 9:02 a.m.

Agenda Item I: Approval of Minutes for Board Meeting held January 24, 2017

Chairwoman James introduced this agenda item. Upon review, Board member Hayden made a motion to accept the minutes as submitted. Board member Siems seconded the motion and the board voted unanimously in favor of the motion.

Agenda Item II: Quarterly Licensing Report from Regulatory Services Division

Assistant Manager Ryan Garcia presented the licensing totals for the second quarter, 12/1/16 to 2/28/16. He stated, for this time period, the Division received 294 original company applications, 1,503 company renewals, 13,631 original individual applications, and 8,725

individual renewals not including online registrations. He went on to say, for the same time period the Division processed the following licenses/registrations:

- 311 original company licenses (167 online, 144 manual),
- 1,595 company renewals (1,414 online, 181 manual),
- 10,935 individual registrations (8,933 online, 2,002 manual),
- 6,844 individual renewals (6,103 online, 741 manual),
- 6,579 employee information updates (4,389 online, 2,190 manual).

He also stated this time period showed 5,781 active company licenses, 377 active school licenses, and 132,973 active individual registrants.

Captain Aaron Grigsby was next to address the Board regarding investigations. He went on to read the following activity report:

Region 1 (Dallas area)

- On 01/03/17 RSD personnel observed a white van displaying only the word “LOCKSMITH” and a phone number. This case was referred to Dallas Special Agents on 2/13/17 for further investigation. Special Agents conducted an undercover operation to target this business. Suspect arrested for Operating a Company Without a License.
- On 2/24/17 RSD HQ initiated an investigation into a company installing security cameras without a license and knowingly hiring an employee to install cameras with a disqualifying felony conviction. This case was referred to Dallas Special Agents on 3/22/17 for further investigation.
- On 03/31/17 Dallas Special Agents were referred a case by RSD HQ involving a security guard company employing and working unauthorized guards, as well as failing to conduct pre-employment checks. Investigation is on-going.

Region 2 (Houston area)

- On 1/9/17 RSD HQ received information alleging a guard company in the Houston area was posing as police officers. This case was referred to Houston Special Agents on 4/12/17 for further investigation.
- On 2/7/17 RSD HQ initiated an investigation concerning an alarm company operating in the Houston area without a license. This case was referred to Houston Special Agents on 2/14/17 for further investigation.
- On 2/24/17 Houston Special Agents were referred a case from RSD HQ concerning a locksmith company performing commercial and residential services without a license. Investigation is on-going.
- On 2/28/17 Houston Special Agents were referred a case from RSD HQ concerning a locksmith company advertising commercial, residential, and vehicle services in Friendswood without a license. Investigation is on-going.

- On 3/24/17 Houston Special Agents were referred a case by RSD HQ concerning a training school allegedly tampering with governmental records. Initial investigation revealed the school has falsified firearms qualifications records and passed a student who failed. Investigation continues.

Region 3 (Valley area)

- On 2/28/17 Corpus Christi Special Agents were referred a case by RSD HQ concerning allegations of Impersonating a Public Servant and False Identification as a Peace Officer. The complaint alleged an individual was directing traffic near an elementary school wearing a shirt displaying the word "POLICE" and wearing a utility belt with a pistol attached. The individual had allegedly told the complainant that he was not a peace officer. Investigation is on-going.

Region 5 (Lubbock area)

- On 2/7/17 Lubbock Special Agents were referred a case involving an individual who allegedly tampered with a government record by altering company ownership documents to list himself as majority owner of the company. A complaint was also filed with the Texas Attorney General's Office for Deceptive Business Practices. Investigation continues.
- On 3/31/17 RSD HQ received information that a locksmith company was operating without a license in Hereford. This case was referred to Lubbock Special Agents on 4/14/17 for further investigation.

Region 6 (Central Texas)

- On 1/11/17 RSD HQ received a complaint concerning an individual operating as a Qualified Manager without a Manager's license in the Austin area by hiring and paying unlicensed individuals to perform locksmith services. This case was referred to San Antonio Special Agents for further investigation. An undercover operation was conducted, and suspect was arrested.
- On 3/31/17 San Antonio Special Agents were referred a case by RSD HQ involving a security guard company that had allegedly submitted a Level II guard application for an individual who had received no training or testing. This application was submitted by the company without the individual's knowledge. Investigation is on-going.

RCS HQ

- On 1/17/17 RSD HQ received information concerning an alarm company operating in the Dallas area while under insurance suspension. Investigation revealed no violations, case closed with no action.
- On 1/24/17 RSD HQ received information concerning a company advertising surveillance video installation services in the Denton area without a license. Investigation is on-going.

- On 1/24/17 RSD HQ made contact with a licensed commissioned security guard who was arrested and sentenced earlier in the month for Aggravated Assault with a Deadly Weapon as a result of a road rage incident. Notification was sent to individual advising him of the disqualifying criminal offense; that he would be prohibited from working as a commissioned guard until his sentence through Harris County has been completed.
- On 2/1/17 RSD HQ initiated investigation into a guard company advertising online with no valid license number displayed. Investigation revealed the company was properly licensed, advisory letter sent for advertising violations.
- On 2/9/17 RSD HQ received notification of a security guard involved shooting in Dallas. Report from Dallas PD revealed no one was injured during the shooting, and suspects were subsequently arrested. Proper notification of the shooting was made to RSD, and the guard involved is properly registered. No action taken.
- On 2/21/17 RSD HQ received information concerning a licensed private investigator potentially hindering a homicide investigation by disclosing information to the public. RSD HQ is providing assistance to the Texas Rangers as needed, investigation is on-going.
- On 3/27/17 RSD HQ initiated investigation into a training school operating without a license in Waco. The case was closed with no action taken.

Captain Grigsby also stated that at the next meeting of the Board, he would further discuss a new activity that Regulatory Services has begun taking action against. This new activity is regarding people receiving fraudulent letters indicating reinstatement of their suspended license.

Agenda Item III: Reports from Board Committees

Board member Hayden addressed the board on this topic. He stated that several comments had been received regarding the proposed rule changes to §35.26, §35.161, §35.101 and §35.102. Due to these comments and late night minor changes to some of these rules, he recommended that the rules remain in committee for further discussion and that Agenda items IV, V, and VI be tabled until the next quarterly meeting of the Board. He added that he would like to encourage the industry to keep an eye on the website for changes to the rules and ask DPS to add posting dates to the documents to better help them track changes as they are made. Board member Hayden made a motion to table discussion on Rules §35.26, §35.161, §35.101 and §35.102 until the next meeting of the board. Board member Ulmer seconded the motion and the board voted unanimously in favor of the motion.

Agenda Item IV: Discussion and possible action regarding amendments to Rule §35.26-Reclassification and Assignment

Further discussion tabled until the next Board meeting.

Agenda Item V: Discussion and possible action regarding changes to §35.161- Continuing Education

Further discussion tabled until the next Board meeting.

Agenda Item VI: Discussion and possible action regarding changes to §35.101- Private Business Letter of Authority and §35.102- Governmental Letter of Authority

Further discussion tabled until the next Board meeting.

Agenda Item VII: Public Comment

Catherine Torres - representing TALI - addressed the board. She stated she wished to give public recognition to Assistant Director Bowie and thank him for all of his assistance with the TOPS program. She went on to also recognize Marcia Smith and her team's support during the transition. She further stated that she hoped they would be able to gain additional people to continue the great customer support.

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

Not taken at this time.

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

Chairwoman James called roll to determine which individuals, with cases before them, were present.

Attorney for the Department, Rebecca Burkhalter, presented the following case to the board.

Esmeralda Valencia- Docket No. 405-17-0700

Ms. Valencia was not present to address the Board on this case, nor did she have counsel present on her behalf. Ms. Burkhalter stated Ms. Valencia's application for registration as a noncommissioned security officer was summarily denied based on her Felony conviction of credit card abuse and for a material misstatement made in her application. Ms. Burkhalter also pointed out to the board that there was a small typographical error made in the proposal for decision, which states the offense is disqualifying for ten years from the date of conviction. The correction should read "disqualifying for ten years from the date of completion".

Board member Hayden made a motion upon amendment to Conclusion of Law #4, to affirm SOAH's decision and summarily deny Ms. Valencia's application for registration as a noncommissioned security officer. Board member Ulmer seconded the motion. The motion passed with a unanimous vote.

Cody Proxmire- Docket No. 405-17-1319

Mr. Proxmire was not present to address the Board on this case, nor did he have counsel present on his behalf. Ms. Burkhalter stated Mr. Proxmire's application for registration as a

noncommissioned security officer was summarily denied based on his misdemeanor conviction in Georgia for theft by shoplifting.

Board member Hayden stated he thought the board should affirm SOAH's decision and grant Mr. Proxmire's registration. Chairwoman James asked why the board should waive the disqualification of 5 years from the date of conviction. Board member Hayden stated that along with Mr. Proxmire's record of steady employment, and good conduct he had been honorably discharged from the military who hold very stringent standards. He went on to point out that Mr. Proxmire also received 6 military medals during his time. He also stated that Mr. Proxmire testified that it was his wife who was arrested at the store for shoplifting, and that total was less than \$200.

Board member Hayden made a motion to uphold the ALJ's decision, and approve Mr. Proxmire's application for registration as a noncommissioned security officer. Board member Siems seconded the motion. The motion passed with a unanimous vote.

Attorney for the Department, Rick Nemar, presented the following cases to the board.

Rodney James Estes, Jr- Docket No. 405-16-5742

Mr. Estes was not present to address the Board on this case, nor did he have counsel present on his behalf. Mr. Nemar stated Mr. Estes' licenses as a personal protection officer, commissioned security officer, private investigator, and qualified manager were summarily suspended based on his Class A misdemeanor charge by information for Assault Causing Bodily Injury.

Board member Hayden stated that Mr. Estes held a PPO and was arrested for assault, as well as lying under oath regarding a previous arrest for assault by pushing his mother. Mr. Nemar stated that at the time of the filing this was a pending charge, but it has since been adjudicated and Mr. Estes received deferred adjudication for one year. Board member Ulmer asked when he would next be eligible, to which Mr. Nemar stated December 14, 2017.

Board member Hayden made a motion to affirm SOAH's decision and uphold the summary suspension of Mr. Estes' licenses. Board member Ulmer seconded the motion. The motion passed with a unanimous vote.

Agenda Item X: Adjournment

Chairwoman James introduced this agenda item. Board member Hayden made a motion for adjournment. Board member Ulmer seconded the motion, and the Board voted unanimously in favor of the motion. At 9:29 am, the April 25, 2017 meeting of the Private Security Board was adjourned.