

Texas Private Security Advisory Committee (TPSAC)

Meeting Minutes

July 12, 2023

1. Call to Order

The regular meeting of the Texas Private Security Advisory Committee was called to order at 11:10 a.m. on July 12, 2023, via conference call.

2. Roll Call

Patti James	Chairwoman	Private Investigator Representative
Wade Hayden	Member	Public Representative
John Helweg	Member	Locksmith Representative
Debi Ulmer	Member	Alarm System & Electronic Access Rep
Jason Hester	Assistant Chief	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Sherrie Zgabay	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
Lawrence Cortez	RSD Supervisor	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
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 April 12, 2023

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

4. Quarterly Reports from Regulatory Services Division

a. Executive Office Report

Assistant Chief Jason Hester mentioned the current Advisory Committee Member vacancies for both Security Officer Representative and Public Representative, stating that they had received applications for these positions. The applications are currently being reviewed by Executive Management and once evaluations are complete will be routed through a background check before being sent to the Public Safety Commission for approval.

Assistant Chief Hester informed the committee that the department had been receiving questions regarding the legislative changes on school security, changes for commissioned security guards as well as security guards being able to carry rifles while performing a regulated function. The agency posted a notice online that reinforces what is stated in the Administrative Code, security guards are not authorized to carry rifles. Chairwoman Patti James asked for clarification, as she knows some patrol rifles are used when providing security to churches. AC Hester explained that in those situations it is usually an individual who holds a License to Carry (LTC) permit, which is allowed. Anyone operating in a capacity under the Private Security Act cannot.

Assistant Chief Hester added the Texas Legislature passed House Bill 3424, which affects Commission Guards and will require a Minnesota Multiphasic Personality Inventory (MMPI) before licensure. The MMPI is required for all new Level 3 Guard applicants and any renewals after the effective date of the bill. DPS already has this in place for Level 4 Personal Protection Officers, the process for Level 3 will be based on the current process for Level 4, similar to what the Texas Commission on Law Enforcement does for Peace Officers. Commissioned Security Officer applicants will need to find a psychiatrist to take the test and the psychiatrist will attest to the competency of that individual for carrying a firearm. He also stated that the bill requires in person training rather than online training. This was brought to the Legislature by ASSIST.

Assistant Chief Hester stated House Bill 3 was also passed, which requires armed security at public schools. He stated that school districts will choose how to implement, such as hiring commissioned security guards, utilize the school guardian program, hire full time peace officers, or use their own district Police department. He also stated that there are some grants available to aid in this requirement.

Assistant Chief Hester also stated the department received the updated training curriculum from TEEEX and it is currently being reviewed and will be posted online in the next couple of months.

b. Complaints/Investigations

Assistant Chief Hester reported information on complaints and stated that RSD is working to become more efficient by performing all audits of a company at the same time instead of conducting multiple audits of the same company over several times in one month.

Chairwoman Patti James asked for clarification on the report regarding the reported number of contract violations, advertisement violations, and assault. She asked if assault meant the true meaning of assault. Assistant Chief Hester stated it was likely a licensed guard assaulting a civilian. Chairwoman James then asked for clarification regarding contract violations, asking if that was a violation of contract between the client and investigator? Assistant Chief Hester added that contract violations are between the business and client and DPS does not get involved.

c. Disciplinary Actions

Jeremy LeCrone presented this information to the committee. There were no follow up questions.

d. Licensing Statistics

Ryan Garcia presented this information to the committee. Assistant Chief Hester asked if the company insurance changes were completed in TOPS. Ryan answered, yes. Assistant Chief Hester went on to explain that one of the most common complaints is when a company license is invalidated due to a delay in insurance companies getting information to the Agency. He stated that the department is trying to streamline that process to a point where insurance companies can upload the insurance information directly, cutting down on lag time and avoiding a company insurance suspension. Ryan Garcia further explained that if insurance documents are submitted, they are put into a review status within 24 hours. Company status will not go into insurance suspension if the insurance documents have been received and are under review.

5. Industry Reports

a. Security Officers

There was no report provided.

b. Investigators

Patti James mentioned she has received questions recently regarding Continuing Education (CE) requirements and hours. She asked for confirmation that her answer was correct stating that if someone holds both a Private Investigator license and a manager certificate, they do not need to double up on their CE hours. Steve Moninger stated the way the rules are written, it's cumulative. Every additional license required additional CE, so there is no overlap to them. Sherrie Zgabay informed the committee that questions and confusion on CE is because of different requirements and components for different types of licenses. Ms. Zgabay added that RSD is gathering training material internally so that everyone is on the same page and will have a good understanding of what is required and when it is required. She stated that once it is completed, they will send out the information.

c. Alarm systems and Electronic Access Control

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

d. Locksmiths

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

e. Public Report

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

6. Discussion and Possible Recommendation Items

Steve Moninger presented proposed amendments to Rule 35.81 to the committee, stating they were necessary to implement House Bill 3424, which requires applicants for a commissioned security officer license to submit a MMPI with their application. Amendments to Rule 35.91 will mirror the language of the new Commission Security Officer rule.

Committee Member Wade Hayden asked what the MMPI assess. Assistant Chief Hester stated that it is the most comprehensive test to assess mental disorders. He stated it shows higher levels of personality disorder or mental illness, in conjunction with a mental health professional assessing the test to show the competency of an individual to carry a firearm.

Wade Hayden motioned to approve the amendments to Rules 35.81 and 35.91 as proposed. The motion was seconded and unanimously approved.

7. Future agenda items

Training material concerning Continuing Education (CE) requirements.

8. Date of next meeting

Date of the next meeting will be held October 11, 2023, at 11:00 am.

9. Adjourn

Meeting adjourned at 12:09 p.m.