



MINUTES

Ohio Private Investigations & Security Services Commission

OCTOBER 6, 2011 - 1:00 P.M.

Location: Ohio Dept. of Public Safety
1980 W. Broad St. LL Room B
Columbus, OH 43223

Commission Members Present:

Cotner, Steven - Corporate Intelligence Consultants, Class A Provider - **Chair**
Rodney Armstrong - Securitas Security Service USA, Inc., Class A Provider
James Brink - Capt., OSHP
Robert Booker - Exec. Director, OIU
Dennis Deskins - Glimcher, Class A Provider
Kimberly Watts - Brink's Inc, Class C Provider
Joseph Powell - Corporate Security Services, Class B Provider
Dwight Holcomb - Dispatch Printing Company, General Public
Brian Simms - Atty., Franklin County Prosecutors Office
Gary Wolske - City of Garfield Heights, Law Enforcement

Commission Members Absent:

Mike Cohen - International Security Assoc, Class A Provider
Gregg Hollenbaugh - Cal Crim Inc, Class A Provider
Russell Martin, Chief, City of Delaware
Jim Sabin - Buckeye State Sheriffs Assoc.

Also Attending:

James Canepa, Chief Legal Counsel, ODPS
Anne Vitale, Legal Counsel, ODPS
Earl Mack, Jr., Deputy Director, OIU-PISGS

- **Call to Order** - The meeting was called to order at 1:03 PM by Chairman Cotner.
- **Roll Call** - Roll call was completed by LaNese Powell. There was a quorum present for this meeting.
- **Mission Statement:** Chairman Cotner read the Commission Mission Statement and mission goals.
- **Old Business:**
 1. **Approval of Minutes** - Mr. Holcomb motioned to approve the minutes from the September 1, 2011 meeting. Mr. Powell seconded the motion to approve the minutes for September 1, 2011. The vote was

taken, and the motion to approve the minutes carried with Mr. Simms abstaining due to his absence at that meeting. The September 1, 2011 minutes were approved.

2. **Rap Back** –D D Mack advised that everything is done, and the final rules will be posted on the web site soon. Rap back will be implemented on January 2, 2012. D D Mack stated that the rules should be posted no later than Tuesday or Wednesday of next week.
3. **License List Status** – Chairman Cotner acknowledged receipt of the license list, and noted that there were no e-mail addresses listed, as requested at the last meeting. Mr. Booker advised he would take care of that.

- **New Business:**

1. **Sub-Committees** – Chairman Cotner opened discussion by advising the Training Committee met on September 15th. He asked for the committee report.

- a. **Training Committee Report:** Ted Owens stated that the meeting was very productive. He said they had training requirements and information from all 50 states. He continued that they are looking for hours for a prerequisite, basic training, and some type of advanced tier ideas for either of the private investigators and security service personnel. They are also looking at different things like methodology for certifying those instructors and for certifying the officers. He added that they want to make sure it's reasonable, accessible, and affordable to everybody involved. Mr. Owens stated that Mr. Cohen wants everybody to know this isn't just about the Training Committee putting out ideas. He wants input from everybody in the industry so that everybody has representation in the things they think are important regarding the training. Ideas can be forwarded to Mr. Cohen via email, or by phone. He will make sure the committee members get the ideas, and they will review them the next time they meet. The next meeting is scheduled for October 11th at 1:00 pm at Mike's (Cohen) company in Dublin, Ohio.

- b. **Legislative Committee Report** – Chairman Cotner stated that the Legislative Committee was scheduled to meet on September 30th, but did not have a formal meeting because it did not get posted as a public meeting. Chairman Cotner asked Mr. Moran (OASIS) to say a few words regarding this situation. Mr. Moran stated that he got a call on the day of the meeting from the department's legal counsel (Ms. Vitale) who was concerned about whether or not a public notice was filed. They jointly determined that it would be in the best interest of the commission not to proceed with the committee meeting because they were not certain that proper notice had been given to the public. Mr. Moran did come over to the department, as did Chairman Cotner, because he was already en route. The other committee members were notified of the meeting cancellation in time to avoid the trip. Mr. Moran and Chairman Cotner sat down with D D Mack, E D Booker, and Ms. Vitale, DPS Legal Counsel, to talk about a few things. In result, a follow-up committee meeting was scheduled for November 3, 2011 at 10 am, for which proper public notice should be generated. The meeting is scheduled on the same day as the Commission meeting in an effort to avoid the members from making two trips. Mr. Moran added that prior to that meeting, he would like to circulate a copy of his report from 2006, the last time we had a legislative committee. He advised that he will be generating the agenda for the meeting from the 2006 report.

- c. **Public Notice for Meetings** – As follow-up to Mr. Moran's statements regarding the notice of meetings, Mr. Canepa introduced Ms. Vitale to the Commission and the public attending. He stated that she will be attending the commission meetings for parliamentary procedures as well as any other legal analysis needed. One of the things she observed is that it appears there has not been proper notice of meetings, particularly subcommittee meetings, which are required to have proper notice under the Sunshine Law. **In terms of scheduling meetings, there must be at least a ten (10) day necessity to post Public Notice for the meeting.** He added, the Training Committee meeting will probably need to be rescheduled to allow for the Public Notice. Mr. Canepa continued by stating that Ms. Vitale will draft a process for the Commission to review. The

process will comply with the Sunshine Law. Ms. Vitale passed around a copy of the rule used by the EMS Board for review. She stated there are just certain requirements that need to be met for public notice; time, place, advance notice requests, advance notice for special meetings, and letting the media know. These are all statutory requirements. Ms. Vitale added that the only difference between this and statute is the requirement for the agenda to be sent out to the members two weeks in advance. Ms. Vitale stated that she added that the agenda will be posted, along with the notice, 14 days in advance. After reviewing the rule, and if everybody agrees on the rule, and the rule is approved by the Commission, the department will file the new rule, and there will be a public hearing. Mr. Canepa asked for the “Chair’s preference” to review now and make a motion, or to wait until another point. Chairman Cotner responded to review it quickly and make a motion. During the review, there was one question regarding the posting of the agenda prior to the meetings. Mr. Simms motioned to adopt the rule; Lt. Wolske seconded the motion. The vote was taken and the motion carried. The rule was adopted. Mr. Canepa added that the department will file the rule and there will be a public hearing on the rule. Therefore, if anyone else would like to comment, they can do so at the hearing prior to the rule being adopted. Mr. Moran noted that this is a step in the right direction, and that he does have a few thoughts that he will withhold until a point in the future.

- d. **Third Committee** – Chairman Cotner stated there is a third committee that has not met for a number of months; the Investigative Subcommittee. He added that we need to schedule a meeting and look for committee members. E D Booker stated there is no pressing business for the Investigative Committee, but he would like to see a Portability Committee launched. E D Booker stated that this subject has been discussed for a number of years without progress. The survey done in 2007 produced a low turnout. E D Booker stated that it’s his understanding portability is still an important factor to the industry, and the best way to explore it is through a subcommittee. He added the subcommittee could be comprised of members from the industry, PISGS, and IT, with a subject and a goal already in front of them. E D Booker continued by suggesting a Kaizen process be involved in this subcommittee. He went on to explain the Kaizen process as a group of people under moderation who put out ideas for discussion. The discussions result in narrowing the focus, ending with a working and viable model. Chairman Cotner stated this is a good idea and asked for a motion to create a Portability Subcommittee. Mr. Simms so moved; and Mr. Armstrong seconded the motion. The vote was taken and the motion was carried unopposed. Chairman Cotner invited all of the Commissioners to be on this subcommittee because they will each have valuable input. E D Booker volunteered to be on the subcommittee, and at E D Mack’s direction, some of the PISGS staff will also be on the subcommittee. Mr. Moran also agreed to be on the subcommittee because of the legislative change required. There was brief discussion regarding setting up the process and mapping the immediate goals and a possible finish date. Chairman Cotner asked if there was issue with all of the commission being on this subcommittee. E D Booker responded that it usually works best with a tight group. Ms. Vitale suggested that D D Mack, E D Booker, and maybe Mr. Moran get together before the next meeting to determine who will be on the subcommittee and the goals. Mr. Canepa added the advantage of a subcommittee is flexibility. If the it’s the whole commission, it’s not a subcommittee. The smaller, more portable subcommittee can get more work done. Mr. Canepa further added that Chairman Cotner is on the right track because of the interest, the subcommittee should report more frequently and guide their agenda in objectives with a smaller more nimble committee. Chairman Cotner agreed that by the next meeting, appointments will be made.
2. **Compliance** – D D Mack referred to the Enforcement Compliance Report handout. He noted that only closed cases are shown on the report. Chairman Cotner asked about the “registration violation”. D D Mack explained the registration violations in detail. Chairman Cotner asked if there are any trends. D D Mack responded there are more every day, and gave examples, and discussed unlicensed activity. Chairman Cotner asked how they can help get leads on unlicensed activity. D D Mack advised they just send them to us. There was discussion regarding out-of-state companies with employees working here in Ohio.

3. **Agenda for the Next Meeting** - Chairman Cotner asked that any agenda items for the November 3rd meeting be forwarded to him via phone or email.

• **Comments/Concerns from the Public and Industry:**

- a. **Mr. Moran (OASIS)** – Stated he is very encouraged by the idea of using a facilitated process. He thinks it's a good approach. He thinks portability would be a positive effect that would benefit both the industry and the department immeasurably. He conveyed a compliment from one of his members who commented that he has been receiving the PISGS registration ID cards on a seven day turnaround.
- b. **D D Mack** – Reminded Chairman Cotner of his request for information about the stenographer; the cost so far, and the future costs. Ms. Powell stated the cost is \$32.50 an hour; \$3.40 per page; \$32.50 if a meeting is cancelled in less than a week; \$742.56 has been paid for the stenographer so far this year. Mr. Holcomb stated that based on the outcome of how the September 1, 2011 minutes reflected the September 1, 2011 meeting, he would be willing to dispense with the official stenographer. Ms. Vitale asked for a motion. E D Booker noted, for consideration, that record keeping for the Commission as well as for the three subcommittee public meetings could be taxing the resources of PISGS. Further discussion regarding the stenographer and the meeting minutes lead to a motion by Mr. Holcomb that this be the last meeting to have an official stenographer here, and future meetings would dispense with the stenographer. The motion was seconded by Mr. Powell. Prior to the vote, Mr. Holcomb asked for discussion regarding E D Bookers comment regarding record keeping at the subcommittee meetings being taxing the PISGS staff. He asked E D Booker if stenographers would be needed at the subcommittee meetings. E D Booker responded that three subcommittees in addition to this Commission's meetings would be taxing in regard to time to reproduce records such as minutes. Further discussion concluded that minutes for the three subcommittees and the Commission could continue to be taken by recording, but would probably not be transcribed in a timely manner. Mr. Moran offered comment regarding the costs to continue with the stenographer, and concluded that minutes kept by the department or a tape recording is sufficient for committee meetings, but commission meeting records should enable the industry to see a verbatim account of what occurred. E D Booker commented that continuing to hold monthly meetings would be problematic unless we change the schedule. Chairman Cotner asked about the year to date amount paid to the stenographer so far. A brief discussion regarding the breakdown of the year to date amount yielded the cost per meeting at \$300. Chairman Cotner asked if the stenographer would be required at the subcommittee meetings. E D Booker responded "no, just advising you that would be extra work for resources for PISGS staff, that producing the minutes would take a longer process". Chairman Cotner calculated that having the stenographer for meeting once a month would cost \$4,200 for a year. D D Mack added that the cost is \$32 an hour so lengthy meetings would add to the cost. Chairman Cotner confirmed there is a motion to discontinue the use of the stenographer as of this meeting; and the motion was seconded. He called for any other further discussion. Ms. Watts stated the industry can benefit from the detail that comes out in the notes (the transcript). Lt. Wolske added that he agrees and thinks it is important to continue to have notes (the transcript) of this caliber. Chairman Cotner called for further discussion. There was none. The vote was taken by hand; 3 in favor and 8 opposed. The motion failed. We will continue with the stenographer. E D Booker asked if it will still be a requirement for minutes. After discussion regarding the stenographer contract limits for making photocopies of the transcript, public meeting rules/requirements for minutes, and the effectiveness of having a detailed account of each meeting, it was determined that the minutes for each meeting will still be required. There was no further discussion regarding this matter.
- c. **Mr. Myer (Columbus Detective Agency)** – asked for the Rap Back target date. Chairman Cotner responded the target date is January 2nd. Mr. Myer commented on the nice job of the PISGS customer service window, and asked if there are future plans of having a prepaid account for

fingerprinting. E D Booker responded that we have never done that before, but we can look into that. D D Mack added that PISGS is also doing some changing around in developing a training center for the seminars and the QA testing. Once it is all completed, PISGS will have an open house for the Commission and the industry.

- **The Next Meeting:**

Chairman Cotner announced the next meeting is scheduled for November 3rd at 1:00 pm. He then asked for a motion to adjourn this meeting. The motion to adjourn was moved by Mr. Simms; and seconded by Mr. Powell.

This meeting adjourned at 1:51 pm.

Amendment to Minutes:

Reads as:

In terms of scheduling meetings, there must be at least a ten (10) day necessity to post Public Notice for the meeting.

Amended to:

In terms of scheduling meetings, there must be at least fourteen (14) calendar days (10 business days) to post Public Notice for the meeting.

Minutes approved November 3, 2011