



MINUTES

Ohio Private Investigators & Security Services Commission

JANUARY 5, 2012 - 1:00 P.M.

Location: Ohio Dept. of Public Safety
1970 W. Broad St. Motorcycle Ohio Room
Columbus, OH 43223

Commission Members Present:

Charles, Thomas, Director, ODPS
Cohen, Mike- International Security Assoc., Class A Provider – **Vice Chair**
Armstrong, Rodney, Securitas Security Service USA, Inc., Class A Provider
Brink, James - Capt. OSHP
Deskins, Dennis- Glimcher, Class A Provider
Hollenbaugh, Gregg- Cal Crim Inc., Class A Provider
Powell, Joseph, Corporate Security Services, Class B Provider
Holcomb, Dwight, Dispatch Printing Company, General Public
Simms, Brian - Atty. Franklin county Prosecutors Office

Commission Members Absent:

Cotner, Steven - Corporate Intelligence Consultants, Class A Provider – **Chair**
Martin, Russell, Chief, City of Delaware
Sabin, Jim- Buckeye State Sheriffs Assoc.
Wolske, Gary - City of Garfield Heights, Law Enforcement
Watts, Kimberly - Brink's Inc., Class C Provider

Also Attending:

Booker, Robert - Exec. Director, OIU
Vitale, Anne, Legal Counsel, ODPS
Rangel, Diana, PISGS L&R Supervisor
Coleman, Michelle, PISGS L&R
Grawe, Melissa, PISGS L&R

- **Call to Order** - The meeting was called to order at 1 pm by Vice -Chairman Cohen.
- **Roll Call** - Roll call was completed by LaNese Powell. There was a quorum present for this meeting.
- **Old Business:**
 1. **Approval of Minutes** – Vice Chairman Cohen called for approval of minutes for the December 1, 2011 meeting. A motion to approve the minutes was made by Mr. Simms; the motion was seconded by Mr. Armstrong. There was no further discussion regarding the minutes. The vote was taken; the motion carried. The December 1, 2011 minutes were approved as presented.
- **New Business:**
 1. **Nominations for Commission Chair** – Vice Chairman Cohen opened the floor for nominations for Commission Chair. Mr. Hollenbaugh nominated Mr. Cohen; Mr. Armstrong seconded the motion. There were no other nominations for Commission Chair. There was no further discussion. The vote was taken and the motion carried. Mr. Cohen was elected as Commission Chair.
 2. **Nominations for Commission Vice Chair** – Chairman Cohen opened the floor for nominations for Commission Vice Chair. Chairman Cohen nominated Mr. Hollenbaugh; Mr. Simms seconded the motion. There were no other nominations for Vice Chair, and no further discussion. The vote was taken and the motion carried. Mr. Hollenbaugh was elected as Commission Vice Chair.

3. **Congratulations/Comments** – Mr. Simms offered congratulations to Mr. Cohen and Mr. Hollenbaugh.

- a. **Chairman Cohen responded by saying:** “Thank you. With that said, just a quick comment. I’ve been a member of the Commission since its inception, and many of you in here also. I know Gregg has also been a member since its inception. It’s been many years, and there has been a lot of frustrations and a lot of concerns about where we’re going, what’s going to happen, what is the status of the industry, and I think with 2012 coming along, I think there’s a little bit more optimism. And I think with the input from the industry and the help and cooperation that Director Charles has indicated that he wants to see coming from Major Booker and their staff, we’re all optimistic. And I know some of these words have been heard many times in the past. The reality is, you know, a year, we’ve got basically 12 months, 2012, to get the job done; the rewrite for 4749, some of the big issues, the training issues, the portability issues. These are all things that everyone is looking forward to seeing updated and really brought us into what’s going on throughout the United States, raising the credibility, if you will, and the professionalism within the industry. But also we have to keep in mind that it is an industry and it is a business we’re talking about. We are not law enforcement. Most of us come from law enforcement backgrounds, but we’re talking about the industry, and that is truly a business. You know, we’re talking about the citizens of Ohio; we’re talking about the business folks in Ohio. And I think this is what we have to really be looking at, you know, what is best for the industry-- that’s the whole idea of why we’re here -- and what’s best for the citizens of Ohio. And law enforcement has its job to do and the industry has their job to do. So I think with everybody, hopefully, working together, this year, this 12 months, we will see some actions and we will go forward and we will have a package to go to the legislators.”
- b. **Vice Chairman Hollenbaugh responded by saying:** “I think, you know, with the current administration, they seem eager to work with us; and we have three committees, and they all take part in all of our committee meetings. So things seem to be moving forward pretty good, and hopefully we will have legislation put together before the year is out and get something passed.”

There were no other comments.

4. **2012 Meeting Dates (Handout - attached)** - Mr. Cohen confirmed that meetings will continue on a monthly basis for the first six months of 2012. LaNese will try to schedule the meetings on the first Thursday of the month. LaNese confirmed that all of the meeting dates are on the first Thursday except for the March meeting, which will be on the second Thursday. Meetings for January through June, 2012 have all been scheduled.

5. **Committee Reports** - Chairman Cohen called for the committee reports:

- a. **Training Committee Report:** Chairman Cohen advised the Training Committee did not meet during December (2011). The next meeting will be on January 17, 2012. Chairman Cohen added “once again, I think we’re moving along at a pretty good speed though, and we will get our package put together for review and presentation, I’m confident, within a couple of months.”
- b. **Legislative Committee Report:** Chairman Moran advised “We had a meeting last month with pretty good attendance here at the Department. We reviewed, probably, about 25 percent of the existing law. And we’re going to meet again, I believe, on the 19th here at the Department, and we’re going to set it for a longer meeting. We were kind of restricted to a two hour meeting because of the room availability. I think we solved that problem for the next meeting, and we’re going to pull up our sleeves and really try and work through the existing law and identify areas that need to be changed. And, you know, it will be my desire to try to come back to the Commission by the end of March, really, with something for the Commission and then give them enough time to give you all enough time to be able to get something to the Director’s office so the Director could have time to review it so we have enough time, then, to back it up and get something over to the legislature. That’s all I have.” “Portability, which is Gregg. I’ll be talking to you two, as the chairmen, trying to make sure that whatever we’re doing, talking about legislative-wise, is in sync with what you all are doing. Because there’s no point in us coming up -- I mean, whatever you’re doing on training or portability is driven by the law, so if you all come up with proposals that require legislative change and we don’t incorporate them into our report back to the Commission, then it’s just going to delay this process, elongate the process. So I will be talking to the two chairmen to try and make sure there’s good communication there between the three committees; and that will be that the legislative committee, when it comes out with its report, incorporates changes that you all are recommending to the Commission so the Commission has a coherent product to look at and evaluate. There may be some areas of conflict. If that’s the case, then the Commission is going to have to revolve those themselves, the Commissioners will, in order to give a proposal back to the Director.”
- c. **The Portability Committee Report:** Chairman Hollenbaugh advised they haven’t had a meeting since the last Commission meeting. The next meeting is scheduled for Thursday, January 12th.
- d. **Investigative Committee Report:** Chairman Cohen stated that Mr. Cotner is the chairman of this committee and he is not with us today.

6. **Compliance:** The PISGS Enforcement Compliance Report handout was reviewed in silence. Executive Director Booker stated that he has a couple of other PISGS issues to discuss.
- a. **RapBack** - Just a reminder that RapBack started on the 2nd of this month, which means that the new fees are in place. The registration application cost for them increased to 40, registration renewals increased to 25, and qualifying agent renewals increased to \$5. The increased fees include the enrollment fee for RapBack.
 - b. **Provider Renewals** - The 2012-2013 provider renewals were mailed on Thursday, December 29th. All renewal applications and fees must be submitted to PISG for processing no later than March 1.
 - c. **New ID Cards** – Chairman Cohen asked for updated information regarding the pilot program for new ID cards. E. D. Booker advised he did not have any updates at this time, but will provide updated information when available.
7. **Comments/Concerns from the Public and Industry:** Chairman Cohen called for any other business and/or comments from the Commission. There were none. Chairman Cohen then called for comments/concerns from the public. Comments/concerns from the public are as follows:
- a. **Mr. Sever:** I read the letter that came out for the additional fees, and I may have been mistaken the way I read it, but it was saying that every year we have to pay the \$5 fee to reregister that individual in RapBack. Or is that a misinterpretation? **Response from Melissa Grawe:** Yes, you have to pay -- the fee actually increased in the last rule change. Effective January 2nd, the renewals are now \$25, and that covers the cost of RapBack fee. **Mr. Sever replied:** Okay. So when you have someone that signs up, they pay the initial enrollment fee and then it's an additional fee every year for that? **Melissa Grawe replied:** Right. It's \$5 per year, is what BCI charges. So on the registration, you pay \$40 now instead of 35. That covers their registration until expiration and then it will pay for the year. **Mr. Sever:** And on the fingerprinting. Fingerprinting, once they have done the initial, is good for how long? **Melissa Grawe:** You get fingerprinted one time at registration. **Mr. Sever:** Unless they leave the industry and come back? **Melissa Grawe:** Right. **Mr. Sever:** Okay. I just wanted verification on that. Thank you. That's all I have.
 - b. **Director Charles:** A question, because I'm not smart enough to know here. Like security for personal security, like, say, Limited or something like that, they are not a part of - they don't get licensed? **Chairman Cohen:** No, as long as it's not contract. If they're employed by that particular family, then it's proprietary. **Mr. Hollenbaugh:** They have to be on their payroll if they – **Mr. Holcomb:** The same thing that I have, what I am. **Director Charles:** Okay.
 - c. **Mr. Moran:** If I may, just in reference to the Director's question about proprietary. This is typically what we call the proprietary issue, the in-house employees that do security services for their company. And the way the law is written now, if they're direct employees of the organization and they have taxes withheld and so on and so forth, then the way the law reads now, they are exempt from, basically, the contractor-type scenario that has to be regulated through this department. The proprietary people are exempt from the licensure, just the same way that peace officers are exempt, State employees, and so on. It is an area of great discussion. We have had extensive discussions about it. And I don't think it's an incorrect statement to say that the industry, meaning the contract industry, would like to see proprietary brought under the same purview, with the argument being to the 12-year-old kid who is lost at the mall. He doesn't care that the security guard or the guy that comes up to him wearing a uniform is a specialty police officer out of his jurisdiction, in his jurisdiction, or he's a contractor or he's a, you know, direct employee of the shopping mall. But that said, there are, you know, issues with bringing proprietary in, because it is a different animal than contract, and it is essentially self-regulated now by the organization. You know, it's to their benefit they have the liability of having that employee, so background check isn't mandated, but most companies aren't going to put somebody into that role without doing it. But store detectives, for example, would probably be one of your biggest areas where you see your proprietary type – plain clothes proprietary security people, employees of Wal-Mart. You know, they're store detective work. Or obviously, Chief Holcomb's operation at Columbus Dispatch has their own people. A lot of the major corporations -- Limited, I think was your question. Although, I think it gets kind of interesting legally when you start talking about big corporate entities that have multiple subsidiaries when you've got, let's say, a holding company that maybe employs the people, but they're providing guards in a store. They're probably doing it under some kind of contract. That, essentially, technically, the letter of the law, they should be licensed, because they're no longer protecting property of their own employers. So there's a lot of issues when you open up that can of worms. We've had some little bit of discussion about it at the legislative committee. I think that the preliminary discussions we've had at this point is maybe we don't want to open that can just yet; maybe we want to just get things dialed in with the contract industry and the 21,000 people we have in that industry before we open it up to all of that other can. But I will tell you it is a big area of concern for the contract industry, so I appreciate you asking about it, sir.
 - d. **Mr. Simms:** Mike, is there any idea of how big that number is? **Mr. Moran:** I don't know that there is, because it depends on where you draw the line. I mean, if you draw the line at the receptionist who checks people in and checks IDs and hands out a building pass, that's a pretty low bar, and then that's a lot of people. If you say it's only people that are called security, protective services, or something, then that would be a higher bar. So to answer your question directly, I don't have a clue on what the number is. I don't know that there's a good number. The numbers I have seen are national-type numbers that are probably 30, 40 years out of date, 25, 15 30, 35 years, you know, the Hall Crest Report, you know, things from many, many years ago that were done. And, again, it depends on how you define a security person, so I think it is very much open to interpretation what that number is. My suspicion is, is if you took a middle ground and didn't go real low and say we're

going to leave the receptionist out of it, and you didn't go real high and say you're only talking people that literally are called security, you kind of took a middle position, my sense would be an educated guess 20,000, and this is a total, you know, probably between 10 and So probably about half of what -I would guess probably half of what the contract workforce looks like, but, again, that's just a guess. And, Chief, I don't know if you've got a guess on that or an estimate.

- e. **Mr. Holcomb:** I have absolutely no idea, because when you start talking corporations like mine or Limited or anything else around this state, and then you also have the hybrids where they may have their own individual private employees for them and then at the same time contract out -- to augment their security forces for uniform, that number is just -- there's no data that I'm aware of anywhere in the State of Ohio that gives that data.
 - f. **Mr. Moran:** And then where it even gets muddier is some of these proprietary outfits go ahead and choose to become licensed -- I think you were sort of eluding to that -- choose to get licensed. So, like, Brinks, for example, arguably could be proprietary because they're essentially -- you know, but then the question is: Whose money are they guarding? I guess they're guarding somebody else's assets, so they've taken a conservative approach. They're going to go get a Class C license. But you could also argue that they're just defending their own corporate assets they're responsible for, so maybe they don't need a license, that there's some interstate regulations that apply to them with the armored car business. So, again, it's very much in question, and it's one of those things where if we had a decent relationship with a university or a research organization that wanted to do a study on that, I think that would be something that would be kind of interesting to see, but I think that's probably down the road. The indications I'm getting are if we're going to get this thing out this year --and the other thing, to be very candid, there is some pretty significant options, I think, to bringing proprietary in that we would probably see from industry. I think you would probably see the Chamber of Commerce and some other groups say, "We're not really interested in getting more regulated right now." So I think there's good arguments for doing it and the industry would like to see it done. So speaking in that respect, I think, you know, there's good arguments for it; but speaking in terms of the political environment, it probably isn't the time to sit down and tackle it.
 - g. **Chairman Cohen:** I think your last statement is about 100 percent correct. I think that this probably is not the time to tackle it. I think we got enough on our table right now, and I think folks that I've talked to and having spent some time on the other side too, I think you're going to get some pretty good kickback from the private sector. You know, I mean, one of the first things they're going to want to know is, you know: What's the benefit? And do we have our house in order? And so I think maybe one step at a time for now. But it is, it's going to it really needs to get resolved down the road.
 - h. **Mr. Hollenbaugh:** I just heard -- I happen to be licensed in the state of Indiana, but I understand that Indiana is looking at deregulating the security industry, that they're supposedly going to introduce legislation this year to deregulate the security industry because they have zero complaints in the industry. So that's -- I received an email this week about them, that they were looking at doing that. Doesn't make sense to me, but that's what I heard.
 - i. **Expiring Commission Terms: Mr. Holcomb:** We did have a couple Commissioners that expired at the end of 2011. I was wondering how Mr. Booker was on filling those positions and where we stood. I think we had at least two Commissioners that expired 12/21/2011. **Mr. Booker:** Okay. Well, I will have to follow up on that, as well, with the boards and commissions. I believe we have two out there that's pending. I'll have to see what the status is. **Mr. Hollenbaugh:** Rodney, you re-applied; didn't you? **Mr. Armstrong:** Yes. **Mr. Hollenbaugh:** Have you heard yet? **Mr. Armstrong:** No. We're going to contact them in a little bit. **Ms. Vitale:** And just so you know, those two members, they have -- they can serve on this Commission until February 29th. So this next meeting, if the appointments aren't through the Governor's office and the Senate yet, they can still participate next meeting. **Mr. Hollenbaugh:** I thought it was 90 days. Is it 60 days? **Ms. Vitale:** Sixty days. **Mr. Moran:** Who are the people? **Ms. Powell:** Wolske and Armstrong.
- **Next Meeting Date:** Chairman Cohen confirmed the next meeting date for February 2, 2012 at 1 pm.
 - **Adjournment:** There was no other business or comments. Chairman Cohen called for a motion to adjourn. Mr. Simms moved the motion to adjourn; Mr. Holcomb seconded the motion. A vote was taken and the meeting adjourned at 1:28 pm.

Approved June 7, 2012