

PRIVATE INVESTIGATION, RECOVERY AND SECURITY ADVISORY COUNCIL

Orlando

March 18, 2010

Minutes

Attendees:

Alan Lamarche, Chairman
Tim O'Rourke, Vice Chairman
Johnnie Huneycutt
William LaDrew
Drew Levine
Patricia Schmitt
John Wurst

Division of Licensing Staff:

John V. McCarthy
Art Varnadore
Joe Barry
Rob Baird
Ken Hawes
Debbie Barber
Elaine Mann

Guests:

Jack Belich, J. Belich & Assoc., St Petersburg
Carrie Kerskie, Marcone Investigations Inc., Naples
Victor Franco, FV Eagle Eye Investigation, Orlando
Ronald E. Williams, Precise PI Inc., Orlando
Jim Van Dam, Federal Security Force Inc., Orlando
Patti Van Dam, Federal Security Force Inc., Orlando
Richard Lettera, Plantation Security Inc., Tallahassee
Subash Murray, Management Concepts, Apopka
Abel Santos, Lighthouse Recovery, Mulberry
Tony Penas, R.R.R. Security & Consulting Inc, Coral Springs
Mark Puetz, FASCO, Clearwater
K.C. Poulin, CIS/FASCO, Clearwater
Jamie Blackburn, FLACARS, Palm Coast
Terry W. Moore, Moore Investigative, Lake Alfred
Heather Fredericks, USA Recovery Inc./Donnellan Inv./FLACARS, Lakeland
Marcelo Perez, M.D. Investigations Inc., Coral Springs
Steve Kavashansky, Discreet Protection Services, West Palm Beach
Peden "Pete" Depp, Depp Investigative Group, Orlando
Rick Staly, American Eagle Sentry, Palm Coast
Shawn Clark, Homeland Enforcement Agency, Orlando
Dave Hariton, Advanced Intelligent Group, Daytona Beach
Jim Forame, Baronwood ARS LLC, Orlando
Ari Morse, Florida Association of Private Investigators, Daytona Beach
Heather Lucas, Lucas and Associates, Kissimmee
Paul Lucas, Lucas and Associates, Kissimmee
Michelle Morton, City Colleges, City Investigations, Orlando
Edward Gray, Jericho Security and Investigations, Naples
Phoolo Singh, Baronwood ARS LLC, Orlando
Sharon Sumner, Sea Lion Security and Control, Orlando
David Hesselink, Florida Intracity Patrol, Orlando

Bennie Murphy, Murphy Service LLC, Orlando
Colvin Frisby, Homeland Enforcement Agency, Orlando
Scott A. Clark, Homeland Enforcement Agency, Orlando
Al Smith, Paragon Information Services
V. Singh, Baronwood ARS LLC, Orlando

Chairman Alan Lamarche called the meeting to order at 9:00 a.m. and welcomed everyone to the PIRSAC meeting. He asked Drew Levine to lead everyone in the Pledge of Allegiance.

Mr. Lamarche stated that, because Director Crawford's mother had recently passed away, John McCarthy, Assistant Director for the Division of Licensing, would be representing the Division. Similarly, Kelli Moore, a Council member who represents the private investigative industry, could not attend the meeting due to the serious illness of a family member. He stated that there is a quorum of members present and the meeting could proceed.

Mr. Lamarche introduced himself and asked the other Council members to introduce themselves, their companies, and the industries they represent.

Mr. Lamarche introduced Mr. McCarthy, the Assistant Director for the Division of Licensing, and asked Mr. McCarthy to introduce his staff.

Mr. McCarthy began by introducing Debbie Barber and Elaine Mann, Administrative Assistants, both of whom work in the Director's Office. He then introduced Art Varnadore, Chief of the Bureau of Regulation and Enforcement (BRE), who is in charge of all Regional Offices and Joe Barry, Investigator Supervisor in the Orlando Regional Office. Mr. McCarthy asked Mr. Barry to introduce his staff. Mr. Barry continued the introductions with Rob Baird and Ken Hawes, Investigation Specialists in the Orlando Regional Office.

Mr. Lamarche asked attendees to introduce themselves and to provide the agency or field they represent. He requested the attendees to be recognized by the chair and to provide their name prior to addressing the Council in order to help move the meeting along. He thanked everyone for taking time from his or her busy schedule to attend the meeting.

Comments by Chairman

Mr. Lamarche explained the purpose of the Council. He advised that the Council has eleven members. Five represent the private security industry, three represent the private investigative industry, one represents the recovery industry, one member regularly contracts with a Class "A", "B", or "R" agency, and one is an active law enforcement officer. Their terms are for four years. The members of the Council hold non-paid positions; their only reimbursement is for expenses to meetings. Council meetings are held quarterly at various locations throughout the state. The Council's role is to listen to input from the industry and make recommendations to the Division of Licensing.

Mr. Lamarche called for a reading of the December 10, 2009, meeting minutes.

MOTION by Mr. Johnnie Huneycutt: To waive the reading of the prior meeting minutes and accept as approved.

Second: Ms. Patricia Schmitt
Motion approved unanimously.

Mr. Lamarche asked Mr. McCarthy to proceed with comments on behalf of the Division of Licensing.

Comments by Division of Licensing – John V. McCarthy, Assistant Division Director

Status of Division of Licensing Workload

- Mr. McCarthy stated that currently the Division of Licensing has approximately 18,000 documents in process, down considerably from the previous years total of approximately 100,000. This is due to additional temporary (OPS) staff and the money spent upgrading some of the Division's processes. Many of the OPS employees will not be funded after June 30th of this year. Mr. McCarthy reported that the Division has submitted a budget proposal to the Legislature that was outlined during the last PIRSAC meeting requesting 28 full time equivalent (FTE) employees. This proposal also asks for a continuation of funding for prior fiscal year (OPS) employees located at the regional offices, and funding for replacement of six (6) high-mileage vehicles. The Legislature has responded favorably to the proposal thus far.
- Mr. McCarthy advised that the Division has signed a contract with Siemens to install an interactive voice response (IVR) system, which will, hopefully, decrease the wait time on our phone lines. The IVR system should be operational by June 30th of this year.
- Mr. McCarthy explained that the Division worked with the companies that provided security for the Super Bowl this past year and commended Art Varnadore and his staff for a job well done. Due to the diligence and the proactive measures taken, very few violations were found.
- Mr. McCarthy stated the Division of Licensing currently has approximately 864,000 valid licenses; approximately 701,000 are individuals who hold concealed weapon licenses and approximately 163,000 are licensed under Chapter 493.

Class "D" Security Officer Curriculum

Mr. McCarthy advised that an Important Notice would be going out to all Class "DS" Security Officer Schools and Training Facilities and Class "B" Security Agencies notifying them of the changes which will go into effect July 1, 2010 based on the work of Ms. Schmitt and the training subcommittee.

Legislation

Mr. McCarthy gave a brief update on bills introduced in this legislative session that may affect agencies/individuals licensed under Chapter 493.

Mr. McCarthy stated that the Department of Agriculture did not submit a general Agriculture bill for consideration by the 2010 Legislature.

HB 0301 (SB 0658) - A bill relating to Locksmith Services. Mr. McCarthy advised that if this bill were to pass, an advisory council would be created and one of the members could be a licensee under FS493. The bill states, "One member must have private investigative, private security, motor vehicle recovery, or law enforcement experience or expertise."

SB 1158 (HB 0651) - A bill that protects the Division of Licensing's Trust Fund. Mr. McCarthy reported this bill is moving very favorably through all committees and the House and Senate. He stated it would appear this bill would be passed and signed.

HB 1359 (SB 2412) - A bill relating to detention by licensed security officers to be allowed to detain people under certain specific acts.

HB 1445 (SB 0382) – Mr. McCarthy stated there is currently a bill that is very similar or identical to last year's Ag Bill that is currently pending before the Legislature. This bill is working its way through the process; and the current status is unknown.

SB 2380 (HB 0971) - A motor vehicle sun-screening material bill to exclude vehicles owned or leased by private investigative services from certain restrictions when used in specified activities.

SB 2402 - A bill to create a Board of Investigation, Security, and Recovery within the Department of Agriculture and Consumer Services; providing for members of the board to be appointed by the Commissioner of Agriculture, providing for annual budget requests and deleting provisions relating to the Private Investigation, Recovery, and Security Advisory Council. Mr. McCarthy stated this bill is pending withdrawal.

Mr. McCarthy concluded his comments.

There was a lengthy question-and-answer session about the various bills and what impact they would have on the industries especially the bill that would protect the Division of Licensing's Trust Fund. There was also discussion on how bills are introduced and the legislative process.

Ms. Schmitt asked if anyone knew who submitted the 2010 bill that was similar to last year's Ag bill. Mr. McCarthy said he believed it was Senator Baker. Mr. Poulin replied that it was Representative Nelson and Senator Baker. Mr. Poulin asked if SB 1445 was Commissioner Bronson's bill. Mr. McCarthy stated that the Department of Agriculture did not submit a general Agriculture bill for consideration by the 2010 Legislature. There was a lengthy discussion regarding the bill and how it originated and was sponsored. Mr. Lamarche explained that when some members of the security industry came across SB1445, because it contained revisions about which they were unaware, concern was expressed because of how the revisions may affect them. Mr. Lamarche suggested that in the future, the council would like the opportunity to review any legislation proposed by the Division. Discussion was held on whether the bill was similar to last year's Ag Bill or exactly the same. Ms. Schmitt asked Mr. McCarthy if he had reviewed the bill. Mr. McCarthy stated that Ms. Crawford had done so. He stated he thought the bill was the same as last year's but that he had not read the whole bill through and had not matched the two bills.

Mr. Poulin said that he had spoken to Senator Baker about the Ag Bill and was told that Representative Nelson called him to sponsor it in the Senate, it originated in the House. Mr. Poulin said that he did not know if any of the associations had dealt with Representative Nelson but this was not Commissioner Bronson's bill. He stated he believes it originated with someone on the Ag side who wanted it to get passed for some reason and the industry ended up getting caught in it. Mr. Poulin raised concerns about how the Bill was drafted and who had been advised of its contents before it was filed.

Mr. Lamarche discussed making a motion to officially go on record to give the Advisory Council the opportunity to look at and comment on legislation submitted by the Division affecting the industries prior to presentation to the Legislature.

Ms. Schmitt stated that last year there were two main changes, one was combining the 24 and 16 hours of training and the other was to clean up the rule changes that had been made prior to the last revision of Chapter 493. Ms. Schmitt said the council members were never given a copy of the bill to review.

MOTION by Ms. Patricia Schmitt: In the future, for any bills that affect the licensees encompassing 493, that a copy of that bill or those bills (specifically referred to as clean up bills) be brought before the PIRSAC for review, discussion, and PIRSAC recommendations prior to it being submitted to the Legislature.

Second: Mr. Drew Levine

Motion approved unanimously.

There was discussion of proposed changes found in this year's Ag bill and the effect those changes would have on the industry. Council members in general expressed that they were unaware of many

of these changes; some would cause major changes to the industry. Mr. Lamarche stressed the importance of the associations tracking these bills closely due to the impact they can have on the industries.

Mr. Lamarche requested the Director of the Division of Licensing and the Commissioner of Agriculture be made aware of this request by the Council in the form of a motion.

Discussion was held on when proposed revisions need to be discussed at upcoming PIRSAC meetings. Mr. McCarthy stated he would relay the Council's concern to Director Crawford.

Old Business

Mr. Poulin stated that in April 2009, FASCO filed a complaint with PIRSAC in reference to the agency name approval process employed by the Division. Specifically, it was believed that names similar to state and federal law enforcement agencies are being approved. Mr. Poulin gave examples of some of the names that have been approved by the Division of Licensing. Mr. Poulin explained that when the complaint was brought to the attention of PIRSAC and the Division of Licensing, FASCO was assured that the process would change and there would be a higher level of screening. Mr. Lamarche said that he wanted to emphasize that the public could be misled to believe that such agencies were affiliated with the state or federal law enforcement. Mr. Poulin replied that was correct and the security industry wanted to avoid that as much as possible. Mr. Poulin said that as of August and October 2009, questionable agency names were being authorized (US Investigative Agency, Florida State Protection Unit and Homeland Enforcement Agency). He indicated one of those agencies is in attendance today. Mr. Poulin said his complaint was not with the agency applying for a license under the specified name but with the Division for not denying the use of the name. Mr. Poulin said that FASCO was told the Division of Licensing would review these names and if there were any questionable names they would go to Art Varnadore's office for review and input. He requested that PIRSAC follow-up with that request from April 9, 2009, with a new complaint today to have the Division of Licensing address this issue. Mr. McCarthy replied that he knew the procedure had changed but he is not familiar with the specific names that Mr. Poulin cited. Mr. McCarthy explained that he would bring this issue to Ms. Crawford's attention and this would be looked at again and not ignored.

Mr. Lamarche said from his recollection of that meeting, Director Crawford said this would be a step in remedying the names that are similar to law enforcement and the Division had the authority to deny a name that was questionable.

Ms. Schmitt asked if the Division would be able to do anything retroactively once an agency was issued a name or would this apply to only new applications. Mr. McCarthy stated that he did not know. Ms. Schmitt asked if this violated Florida Statutes. Mr. Poulin answered that the statute is clear that the Division has the responsibility to accept or deny these names, to ensure that there is no confusion to the public that the agency names are not related to federal or any law enforcement agencies.

Mr. Lamarche wanted to emphasize to any parties present at the meeting that this is not a complaint against a particular agency but is an issue that FASCO wants to bring up once again to the attention of the Division of Licensing. Mr. Lamarche said that if procedures had been followed through properly, the Division would've informed an agency that their name is misleading to the public and they need to come up with a different name before the license can be issued.

Ms. Schmitt restated the question of whether or not it applied to new applications or if they would go back and revoke names previously approved. Mr. McCarthy stated that the Division could do it, but that he didn't know if they would. He said he would bring the request back to the Division and get the question answered.

There was discussion about when this subject was first discussed in past PIRSAC meetings and various abbreviations and/or names of companies that can cause confusion to the public and the Division's responsibility to prevent such agencies from using these abbreviations.

Mr. Marcelo Perez, M.D. Investigations Inc., Coral Springs stated that in 2004 he opened a company that was called United States Investigative Services and Security. In 2007 when he sent his renewal application to the Division, an employee from the Division explained that he could not have that name or that he needed to consider changing the name because it might not get approved. Mr. Perez said that is when he changed the name of his company to M.D. and was surprised to find out that another company just recently applied for a very similar name and was approved by the Division. He conveyed his frustration that this had occurred.

Mr. Lamarche stated that the Council can only make recommendations and they were reaffirming the recommendations at this meeting. He stated that they had the same interests as the other agency owners and that is to keep their professions "professional" and any time they step out of line it is bad for all involved. It also tends to further alienate the industry from law enforcement personnel.

Tony Penas, R.R.R. Security & Consulting Inc, Coral Springs, stated that he is concerned about just how far the Division might go when trying to prevent these agencies from acquiring names that are similar with city, state or federal names. Mr. Poulin said that they would not complain if there were only a few names that were similar and it appeared to be just a judgment call, but he said there were many names on the list that were misleading and that's why he felt the need to bring it to the attention of the Council once again. Mr. Lamarche suggested that the list be given to Mr. McCarthy to take back with him to the Division.

Mr. LaDrew asked if any of these new applications with questionable names were going to Art Varnadore for review. Mr. Varnadore replied that he has not seen any to date.

Mr. Lamarche said that would end the discussion on this subject and was confident that the message would go back for the Division to address it.

Mr. LaDrew said that DUI Immobilization was brought up at the last meeting. He explained that Ms. Crawford used the phrase "Temporary R License" and he wanted clarification on what constitutes this type of license. Mr. McCarthy stated that since he didn't know the context of the discussion all that he could do is explain what is going on with immobilization and the requirement for the "R" and the "R" manager licenses. The law was written to require anyone who does immobilization to have an "R" license and with that license they are also required to have a manager, which is what lead to the issue at hand. This matter has been litigated in Tallahassee and is still ongoing.

Mr. LaDrew asked if the Division had the ability to enforce a name change, do they have the ability to revoke the "Temporary R License" not for a violation of Chapter 493 but for a violation of the intent of how the license is being used. Mr. McCarthy said that would end up being litigated if it remains. He stated that as the law stands today, anyone who obtains an "R" license has an "R" license. He stated that there is no such thing as a "Temp R License". Mr. McCarthy stated the problem is: Are they going to do anything with "R" recovery work or are they just getting the "R" license to do immobilization? That is probably the context that was discussed at the prior meeting. If someone does immobilizations incorrectly does the Division have oversight of that person? Mr. McCarthy said there is a good argument that says the Division does not because they are not doing recovery work licensed under Chapter 493. Mr. McCarthy stated this may all change due to pending legislation.

Mr. LaDrew asked if that was in a House and Senate bill as well. Mr. McCarthy stated that it was and he would get the number and give it to him later.

Mr. O'Rourke asked Mr. LaDrew to educate him on immobilization. Mr. LaDrew explained that when someone got a DUI, they used to take the cars and leave them at the lawyer's office, but the lawyer's

didn't want the liability of holding the vehicles on their property. So now there are companies that enforce the immobilization of a vehicle either by booting it or placing it in a secure compound. The Division of Licensing has issued Class "R" licenses, Recovery Agency license to these companies and the issue the recovery industry has with this is that the companies can solicit business for recovery work. Discussion was held on whether immobilization is covered under Chapter 493. Mr. LaDrew said this goes back to legislation being passed without the industry knowing what is contained in the bills.

Mr. McCarthy stated that the Division has authority over any "R" licensed in the State of Florida, but since immobilization is not recovery work, the licensees are not doing something that the Division regulates. He explained if they engage in recovery work, they are regulated like any other "R" license holder. If they do immobilization correctly, they would probably have to answer to the courts, not to the Division.

Brian Taylor asked how they could acquire an "R" license without going through the training. Mr. McCarthy said that they must meet the qualifications for the "R" license just like anyone else, training, etc. Mr. McCarthy said the real issue wasn't about them getting the "R" license, but having a manager is a requirement of Chapter 493. There was further discussion.

Mr. Lamarche asked if anyone in the recovery industry wanted to ask the Division any further questions regarding future legislation that could improve this situation. Mr. LaDrew stated that he felt this had already been addressed in the prior motion, if the bills are presented to PIRSAC prior to going to the legislature they will be able to address them. Mr. McCarthy stated it isn't always possible since many times the Division does not sponsor a bill but all of a sudden it shows up because someone else has submitted a bill or changes the bill without the Department or Division's knowledge.

Mr. Lamarche asked Mr. Varnadore if he could further explain immobilization of vehicles. Mr. Varnadore stated that this law was passed under Chapter 316 not under Chapter 493. Chapter 316 only applies to people who have been arrested for DUI and cannot legally drive. It states under F.S. 316 that if you immobilize vehicles for this purpose, you need to get an "R" license. Nothing in Chapter 316 says they have to have a manager. The Division of Licensing under Chapter 493 says that you have to have a Manager license before you can have an "R" license. There has been some "R" licenses issued that do not have a manager. Mr. Varnadore explained the Division is working a case in southwest Florida where a security company is putting boots on vehicles in a condo association for expired tags and also for parking on the grass then charging \$200 to remove the boot. Mr. Varnadore said there is no place in the law that gives them authority to do this. He said he doesn't believe private industry can enforce the tag law. Tony Penas brought it to everyone's attention that a condo association or homeowner's association is their own governing agency and because it is private property, they can boot the vehicle if they want to. Mr. Varnadore stated this was not the original intention of F.S. 316.

Mr. LaDrew asked if the Division could investigate agencies that were issued the "R" license but do not have an "E" licensed manager, could the Division revoke the license. Mr. McCarthy said that the Division could revoke the license, and explained that the practice of the Division is that if the applicant qualifies for the "R" license, the license and a letter is mailed to the licensee stating that you cannot work until you get an "E" manager license. Mr. McCarthy said the Division was following normal procedure but a number of agencies got their licenses and started doing immobilizations. Individuals filed a lawsuit because they did not have an "E" licensed manager. This is the lawsuit that is being litigated in Leon County and is ongoing. The Division has since been ordered to require anyone who applies for an "R" license who is going to be doing immobilization work to have an "E" licensed manager before the "R" license is mailed to them.

Tony Penas asked how this affects companies that have the electronic immobilizing equipment used to lock the car if the person trying to drive fails a Breathalyzer test. Could the Division create a new classification that specifically deals with vehicle immobilizations due to this law? Mr. McCarthy stated

this is a good suggestion and there was pending litigation/legislation to do away with that change. Mr. LaDrew said that Joe Taylor and John Russi had tried to get some classification changes for years but he doesn't think it will happen in his lifetime. Mr. McCarthy said he believes this bill is Highway Safety Bill 2400.

New Business

Mr. Poulin said that there have been a number of complaints from FASCO members who reported to the Division of Licensing and filed complaints repeatedly that they had security officers asleep while supervisors were present and even had pictures taken and nothing has been done. He stated there was no action taken or the complaint was unfounded. The agency terminates the employees and they are later able to collect unemployment benefits because the State doesn't think this is negligence or misconduct. Mr. Poulin said the security industry would like PIRSAC to ask the Division to issue a written formal opinion that if a security officer is found asleep is this considered negligence or misconduct and what action they would normally take for that kind of situation. Mr. McCarthy asked Mr. Poulin for the specific cases he was referring to so he can investigate the circumstances. Mr. McCarthy gave examples of cases where the Division investigates and the security officer says he is on break and the agency doesn't follow through with information to go against that claim. Mr. McCarthy asked Mr. Varnadore to elaborate on this issue. Mr. Varnadore stated that when someone is terminated for sleeping on duty, the Division automatically looks at the case. The Division writes a letter to the company, and at that time the Division doesn't have any eyewitnesses or photographs, just the information that the employee was terminated for sleeping on duty. In that letter, the Division asks for documentation proving the person was asleep. If the Division gets documentation, statements are taken, etc., administrative action is recommended and then it is forwarded to the Division's legal section to make the final decision. Ms. Schmitt gave examples of a case where the local regional office asked for additional information. She explained that she sent a picture, a copy of disciplinary action form where the employee signed the form admitting he was sleeping and the termination report. Ms. Schmitt stated the response she received back from the Division was that there was insufficient information to follow up with disciplinary action. Ms. Schmitt showed John McCarthy and other members of the PIRSAC the photo she had on her cell phone of the ex-employee. Mr. Varnadore asked Ms. Schmitt to get with him to discuss this particular case.

Mr. Lamarche said an association representative has made a request of the Council to make a motion for the Division to provide a formal opinion in written format that gives the security agencies some specific guidance to operate their businesses.

MOTION by Mr. O'Rourke as stated from the floor by K.C. Poulin: We request that the Division give us a formal written opinion on whether or not sleeping on duty is considered negligence and/or misconduct and what the standard position of the Division of Licensing is on the punishment of such an offense with the disciplinary action.

Second: Ms. Patricia Schmitt

Motion approved unanimously.

Mr. Huneycutt asked if FASCO has criteria for other issues of dereliction of duty, not just sleeping on duty. Mr. Lamarche explained that the focus is to get the Division to give the industry some specific guidance, and if this is accomplished, they can address other issues as they come up. Mr. Lamarche stated the Division used to give written opinions all the time that provided needed guidance to the industries and this is not the first PIRSAC meeting this issue has been brought up. Mr. Lamarche said the response the Division gave was that they do not give any more written opinions. As a result, people don't know what they can and can't do.

Ms. Schmitt said that as agencies they provide security services to their customers and there is a huge liability to their companies and agencies if officers are not attentive to their duties. If security officers are allowed to continue to sleep while on duty without fear of disciplinary action, the company may lose their agency or someone could lose their life.

Mr. Poulin stated that if someone is allowed to keep their license after they are terminated due to sleeping on duty, they can get a job in another agency and the problem and liability just gets passed around. It is important that the agencies get some defined written guidance for sleeping on duty.

Mr. LaDrew said it is his understanding that if any complaint is filed with the Division it has to be investigated. He said that if an investigation is being done the agency and employee involved are contacted. Mr. Varnadore said that was correct. Discussion was held on whether this is an employer issue or a State licensing issue. Mr. LaDrew suggested that an employer could contact the Division prior to hiring an individual to find out if any complaints had been filed on that person. Mr. Varnadore said this would have to be done through a public records request. Mr. Poulin stated he did not think this was feasible due to the volume of workload it would cause the Division.

Mr. Mark Puetz stated that at the current time people are eligible for unemployment benefits because sleeping on duty is not considered misconduct. However, it also states that they would defer to a Regulatory Agency for specific opinions; this is where this opinion from the Division of Licensing could be so valuable.

Mr. McCarthy cautioned the Council that when they asked for the standard of a legal opinion under Chapter 120, your rights as a person holding a license in the State of Florida can go to a hearing and under State law there are aggravating and mitigating factors to every case that can come up before a hearing officer. So although the Division can issue an opinion, in certain cases, mitigation or aggravating circumstances can either increase the sanction or lower it. The opinion can certainly be given as a starting point. Mr. Levine said he believes the issue of importance here is unemployment; statutory costs in this business are very high. He is very interested in what the Division can do for guidance regarding a security officer sleeping on duty, so that it can be considered by an unemployment hearing officer when determining whether to uphold or deny the unemployment claim

Mr. Poulin congratulated the Division on the arrest on March 9, 2010, regarding unlicensed activity and the industry appreciates what the Division is doing. Joe Barry spoke about the recent arrest explaining the individual had a very long criminal history going back almost 10 years. Rob Baird worked with Ag Law and the Orange County Sheriff's Office to identify locations where this individual and others were working. There was extensive surveillance and interviews with the public and various law enforcement agencies that interacted with the individual. Ag Law made the arrest and the Orange County Sheriff's Office brought various charges against him. Mr. Barry said the individual has been charged with unlawfully carrying a firearm, performing various 493 functions without being properly licensed and impersonating a law enforcement officer. Orange County is still investigating other possible charges.

Comments from Public/Industry

Al Smith, Paragon Information Services, stated that in July of 2009, he filed a complaint with the Division of Licensing regarding a company he believed was operating without a required Class "A" license. The findings of the Bureau of Regulation and Enforcement were that the company was, in fact, required to have a Class "A" license. Mr. Smith stated that when the Division's legal department responded to him by letter in February of this year regarding the complaint, they did not agree with the Investigator, his supervisor, or Art Varnadore, all of who signed off on the investigation and forwarded it for action to the legal department. The specifics of the complaint and a quote from the Division's investigative report were cited. The findings of the legal department along with Mr. Smith's argument against those findings were also stated. Mr. Smith asked the Council to review Chapter 493.6101 (17)(g) and if they are of the opinion that this activity should be licensed, to please make this known to the Director of the Division of Licensing so she may hopefully take a second closer look at agencies that provide similar services throughout Florida. Mr. McCarthy indicated that he would have that issue revisited by the Director. He reminded the Council that there was legislation pending on this subject and the Division would provide a report to the Council at the next PIRSAC meeting.

Mr. Lamarche stated that he feels since the Division's legal staff has grown, so many things have changed that have not been beneficial to the industries. One of the issues discussed is not rendering legal opinions. He stated that some things are just common sense and you don't have to be an attorney to understand these things. Mr. Lamarche stated that from what Mr. Smith read, it appeared that what the investigators came up with after reviewing the situation was very clear and was common sense business.

Ms. Schmitt said this statement is in line with what her industry was seeing, the industry as a whole is frustrated, there are more fees to be paid, more money and less and less service. She indicated that she was not talking about processing licenses, but about when the investigators who are strapped with so much work do an investigation and it then goes to the Division's legal department and they do nothing. She believes that sooner or later the investigators may get discouraged and wonder why they should bother.

Comments by Industry Associations

Private Investigation - Jack Belich, member of the board for Florida Association of Licensed Investigators (FALI) wanted to invite everyone to the 16th Annual Professional Development Conference that is being sponsored jointly by FALI and FASCO and is being held on May 20-22, 2010, at the Doubletree in Palm Beach Gardens, Florida. For more information, please go to the website www.FALI.com

Recovery – No comments.

Security - K.C. Poulin, President, FASCO announced that a meeting would immediately follow the PIRSAC meeting for the three associations. If anyone is interested in joining FASCO, he has applications with him and encourages everyone's support.

Next Meeting Location

June 10, 2010
9:00 AM
Embassy Suites Hotel – Jacksonville
9300 Baymeadows Road
Jacksonville, Florida 32256
(904) 731-3555

Meeting adjourned.