

**LOUISIANA STATE BOARD OF PRIVATE
SECURITY EXAMINERS**

MEETING MINUTES

APRIL 22, 2021

The regular meeting of the LA STATE BOARD OF PRIVATE SECURITY EXAMINERS was called to order by Chairwoman Marian Pierre, on Thursday, April 22, 2021 at 10:30a.m. at 15703 Old Hammond Hwy, Baton Rouge, Louisiana via Zoom.

Members of the Board present: Marian Pierre, Chairwoman
Dynette Burke
Chief Scott Ford
Edward Robinson
Lameika Washington
Donny Pitts
Mark Leto
Ritchie Rivers

Finding a quorum present, the regular order of business began.

Also attending the meeting were: Executive Director, Fabian Blache III; Executive Assistant, Bridgette Hull; Attorney, Ron Crouch; and Administrative Coordinator 4, Shanna Bourke. Ms. Hull recorded the meeting minutesⁱ.

Mr. Blache led the members and audience in the Pledge of Allegiance.

Chairwoman Pierre called the meeting to order and asked for a motion to accept consent decree which had been previously sent to all members. Chief Ford made motion to accept consent agenda. Mr. Robinson seconded the motion. Motion carried.

Mr. Blache explained the format of the agenda was designed in anticipation of committee activity, which is forthcoming with the creation of a legislative committee to work on the upcoming legislative package. Committees must conduct public meetings in the same manner as regular board meetings. With the right committee structure in place and good activity, the committee's actions can be put into a report furnished to board members days before board meetings. This way members have an opportunity to go over and approve, or not, committee actions.

Agenda currently has a "none" on section C and this is where committee actions, once the committees are formed and functioning, will appear.

Chairwoman Pierre noted that, in times past, participation in committees could be lacking. She encouraged those who volunteer for the committees to be proactive and have regular meetings, either at the LSBPSE office or via Zoom, so this would not be an issue.

Mr. Robinson requested firm guidelines for committees and their purpose so that, as has also happened in the past, committees do not overstep their duties or attempt to usurp the Board itself. Chief Ford reiterated that

committees are to only make reports of recommendations to the Board and that the Board will always have final say over what is accepted.

LEGISLATIVE REWRITE:

Mr. Blache went over revising the Board's legislative rules which, though marginally modified over the years, remains the same legislation written in 1984 and enacted July 1, 1985. A comprehensive legislative rewrite has already been undertaken with the assistance of the Board attorney, Ron Crouch, and was set to be included in the current session. That, however, has fallen through and we may not make it into this session, which is limited to five bills. There is the possibility of a special session happening after this current one.

To reiterate the reasoning behind this, and the importance of the legislative committee, Mr. Blache asked members to recall a case involving a dental board that resulted in legislation preventing state boards being made up entirely of industry without an oversight commission that looks at all boards and commissions and any/all legislative or rule changes a board might want to bring. Changes cannot be implemented without the approval of this commission and, therefore, we are required to bring our legislative changes before that body, explain the Board's mandate, identify its statutory authority, and then walk the commission through the changes we wish to do legislatively. Once the commission gives its blessing, the Board goes to a legislator to have them move that forward.

All of that said, this is an opportune time for the Board to create a legislative committee that can begin looking over the draft Mr. Blache and Mr. Crouch have mocked up of what this legislation could look like. Guidance can then be given from all board members and the committee on shaping the language even further.

Presently, the draft deals with retooling and further defining:

- Company licenses
- Instructor licenses
- Security officer registrations

Credentialing levels have not changed. It also addresses the lack of a use of force continuum as our current statute is silent on the use of mace, tasers, etc.

It touches upon clearing up some ambiguity on the legal and statutory law side with respect to the role and responsibility of the Executive Director vs the Board. In rule, there is a clear articulation that the Executive Director signs off on cease-and-desist orders, subpoenas, etc. This is not, however, as clearly stated in the statutory language.

Off the top, these are some of the things that need to be fixed but we very much want to get the input of the board members and subsequent committee. There are many things that need to be fixed in the legislation. Some things, as examples, that can be discussed and ironed out:

- Licensing individual security officers as other states do.
- Clearing up our authority to receive FBI fingerprint background checks. The legislation is currently not clear on this issue, as pointed out by Mr. Crouch. It is inferred in the language (where it states we must run background checks using classifiable fingerprints) but it does not expressly state we have the authority of our parent agency to receive this information.

This and many more things need fixing and could ultimately cause problems. The committee can work together to address these issues and more.

All of this may have to wait until the next session, if there is no special one, but that gives us plenty of time to try and perfect the legislation.

Chairwoman Pierre suggested getting a copy of the draft to the rest of the board members and Mr. Blache concurred.

IASIR

Due to such great participation from the Board with the IASIR Conference that fortunately this year 85% of the membership has agreed to do an in-person conference again. It will be asynchronous, like last year, both online and in-person. Huntsville, AL in October. Mr. Blache will push out the dates to board members once the committee firms up the theme of what the conference will focus on. So they can plan if they wish to attend.

Due to the current work being done on a legislative rewrite, and in the case of future possible rewrites, it would be prudent that committees be formulated. Prior recommendations had been for a finance committee and a legislative committee. The finance committee would consider things such as administrative rate hikes, fiscal impact, and would make fiscal notes for legislative packages, etc. The legislative committee would help shape legislation and shepherd it through the lobbying process.

Mr. Blache asked that members who are interested in serving on the committees reach out so he could share that with Chairwoman Pierre, who can make the final committee assignments. Meeting dates for the committees can then be decided upon and these can be held over Zoom.

Committees must adhere to the same public meeting laws and requirements that the Board currently abide by for standard meetings.

Discussion was had on whether the board needs to look at requirements for past offenders due to new re-entry programs being implemented. Mr. Blache indicated the Board is firmly covered on what is accepted and not with regards to past offenses if someone raises an issue.

OLD BUSINESS:

In reference to what Mr. Devillier discussed at the previous meeting, Mr. Crouch informed the Board that on April 4, 2021 the Supreme Court denied writs in the application of the Board of Real Estate Appraisers, putting an end to that lawsuit. As a result of that denial, the Board has drafted, along with the Federal Trade Commission (FTC), a consent agreement to settle the lawsuit. There will be no fines involved but the text of the agreement has not yet been released to the public. That Board, however, will now be under a 20-year supervisory program where everything must be reported to the FTC.

It should be noted that the commission that Mr. Blache alluded to earlier that oversees our rule-making process here in Louisiana is not deemed sufficient per the FTC and the federal courts in this lawsuit. Boards made up of active market participants are subject to close scrutiny by the FTC and since it was ruled that state oversight is not sufficient it is unclear, at this time, what *is* sufficient.

A meeting will be held on May 3, 2021 with all boards to try and figure something out going forward. Dr. Culotta with the Medical Board has drawn up some legislation to try and address the issue. HB 398 is an opt-in/opt-out provision for the boards. If a board chooses to opt-in, everything they do (issuing a license, denying a license, disciplinary action, etc. – i.e. anything that affects the market) will have to be approved by the Attorney General.

Presently, due to how much this would bog down the entire operations of the Board, Mr. Crouch does not recommend opting-in. He suggested all board members look at the legislation. Per Mr. Robinson's request, Mr. Blache posted the committee members' names for HB 398 in the Zoom chat.

INDUSTRY CONCERNS WITH LEGISLATIVE REWRITE

Mr. Blache asked if anyone had any industry concerns, with relation to the legislative rewrite, involving things such as training, equipment, etc. that may not have been previously considered. This way, as the committee is being formed and the draft is being worked on, it can be certain to be addressed.

Chief Ford brought up his concerns surrounding firearms training. Specifically, how guards are trained on a caliber weapon but not a specific or specific type of weapon. He feels you should be trained and qualified on the weapon you train with on the range, not trained for a caliber of weapon, and that companies should also not be using shared weapons. Chairwoman Pierre said most companies no longer use shared weapons but, overall, Chief Ford's point was something to be concerned about and was something that should be looked into.

NEW BUSINESS:

Mr. Blache asked Ms. Hull about board member badges. She indicated they will take 6-8 weeks from when they were ordered which was approximately 2 weeks ago.

PUBLIC COMMENTS:

From Facebook Live with 39 viewers present there were 2 comments:

“You guys are taking the Board to a higher level.” – John McCartney

“Why do y'all make it hard to be a PPO?” – Thurman Nunez

Mr. Blache responded to Mr. Nunez and asked him to call the office to discuss the question. The response will be posted on the State Board website.

LEGAL UPDATES:

None.

Upon conclusion of this phase of the meeting, July 8, 2021 at 10:30am was chosen by the Board as the next quarterly meeting.

Chairwoman Pierre made a move for adjournment. Chief Ford made a motion to adjourn. Mrs. Washington seconded the motion. Meeting was adjourned.

Minutes reviewed and certified by:

Bridgette Hull 7, 7, 2021
Bridgette Hull Date
Executive Assistant

_____/_____/_____
Fabian P. Blache III Date
Executive Director & CAO

/FILE bah

ⁱ Meeting minutes are documented by court reporter for adjudicatory hearings.