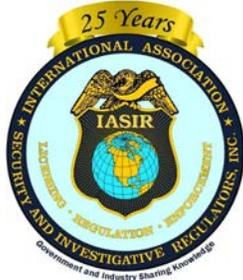


IASIR REGULATOR



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CHATTANOOGA TERROR ATTACK DEFINING MOMENT FOR HOMELAND SECURITY CHIEF

IASIR has never met in a place more lovely than Chattanooga, with the Appalachian Mountains peeking over the city's skyline and the sparkling Tennessee River meandering through town. Thank you to our hosts from the Tennessee Department of Commerce and Insurance, who meticulously attended to every detail of conference preparation and made sure we enjoyed the charming city center and the peak fall colors accentuating all of the riverfront attractions.

Being in this idyllic setting, it was jarring to recall that just two years earlier the city had been the site of a major terrorist attack.

On July 16, 2015, when a gunman fired on military recruiting and U.S. Navy Reserve centers in Chattanooga, intelligence analysts were already concerned that an incident might take place in Tennessee. But they could not anticipate the attacks carried out by Muhammad Youssef Abdulazeez that resulted in the deaths of



Cody Vest (left), Executive Director for Private Protective Services, Tennessee Department of Commerce and Insurance, holds the plaque presented in gratitude for hosting the exceptional Chattanooga conference. She is joined by keynote speaker David Purkey, Commissioner of the Tennessee Department of Safety and Homeland Security (center), and Assistant Commissioner Carter Lawrence, Department of Commerce and Insurance.

five military personnel.

"Up until that point, we had been nervous for about six months in the office of Homeland Security," said David Purkey, commissioner of the state's Department of Safety and Homeland Security. He gave the keynote address "Terror Strikes Chattanooga – Behind the Scenes as the Governor's Homeland Security Advisor." He held that role for five years until being appointed to his current position.

"It was internet chatter," Purkey told attendees, drawn from various types of social media. "We had quite a bit of chatter, talk of some kind of incident at a military facility in our state."

The analysts had issued 50 warnings related to intelligence they'd gathered during that time, the last in May. But when the attacks happened, it was the first any of them had heard of Abdulazeez. "He was not on our radar," he said.

Continued on Page 3

2018 IASIR ELECTIONS: GUIDELINES INSTITUTED TO IMPROVE THE PROCESS

Following a review of IASIR's traditional elections process, an Elections Committee appointed early this year has updated procedures for recruitment, nominations and voting for IASIR's Board of Directors.

The new guidelines lay out the expected path of ascension for top leadership positions, as well as minimum qualifications for job experience and IASIR involvement. Other additions include a brief nomination form and time set aside at the meeting to hear from candidates.

The 2018-20 Board will be elected Oct. 26 in Scottsdale. If you would like to run for office or nominate someone else, please contact the IASIR office by Wednesday, Oct. 17.

See page 13 for the complete Election Guidelines.

MESSAGE FROM THE PRESIDENT

In the spring of 1993, Florida's John Russi called together 15 private security and investigative regulators representing seven Southeastern states.

At that historic meeting in Orlando, the farsighted group realized the benefits of uniting to share information between jurisdictions. They agreed that by joining hands, they could enhance their ability to regulate and assist in promoting the professionalism of the private security, private investigative, alarm and related industries. The National Association of Security and Investigative Regulators (NASIR) was born.

Twenty-five years later, the organization has seen significant growth, a minor name change, and some expansion of its focus. Within a year of its founding, the newly registered association of government regulatory agencies broadened its membership to include associate members from the regulated



Kevin Ingram

industries. In 2001, the national association became the International Association of Security and Investigative Regulators (IASIR) to better reflect its increasing influence throughout the US, Canada and other parts of the world. Every next step has built upon IASIR's strong foundation and clear vision for supporting members' priorities.

Since the inaugural meeting, committed leaders have stepped up to ensure the association's success. Despite the demands of their "day" jobs, these dedicated volunteers spent countless hours doing the hard work of nurturing the young association toward stability and growth: formulating bylaws; building an equitable membership and dues structure; establishing appropriate

committees to get the work done; and drafting policies to guide major events and day-to-day business. Even after part-time Administrative Director Laurel Rudd joined the team in 2002, IASIR Board and committee members continue to contribute notable time and energy to keep the association vital.

Of course, the association's largest commitment is to its members. Unifying around IASIR's mission to accomplish common industry goals, members connect and collaborate through the Regulator newsletter, social media posts and group inquiries to their peers, and the important networking and continuing education at annual conferences.

Reciprocal agreements between jurisdictions, coordinating secure access to emergency zones, improved procedures for federal background checks, and advising on state and federal legislation are just a

few of the achievements accomplished via IASIR-made relationships.

As IASIR matures, we will find opportunities to expand and build new membership benefits. New members will bring additional experiences and perspectives. And new partnerships will underpin new programming, as members continue to benefit from longtime sponsors like NASCO.

Association changes will also come through shifts in the economy, the political landscape, and technological advancements in the industries. While adjusting focus may be disruptive, support and information from a community of peers help members navigate the new circumstances.

Non-member agencies that regulate the private security industries are urged to unite with IASIR members to strengthen our efforts and improve public safety worldwide!

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IASIR WELCOMES NEW MEMBERS TO ASSOCIATION

New IASIR members joining in the last year:

- Jeff Hammock, Owner, **Comprehensive Investigative Group**, Fultondale, AL
- Karen Maples, President, and Dave Jones, Executive Director, **Electronic Security Association of Indiana**, Fishers, IN
- Cindy Blevins, Vice President, **Point 2 Point Global Security Inc.**, Phoenix, MD
- Don Bottom, CEO, and Greg Donohoe, Safety & Compliance, **Security Engineers Inc.**, Birmingham, AL
- Robin Vick, Section Supervisor, **Kentucky Board of Private Investigators, Department of Professional Licensing**, Frankfort, KY
- Kevin P. Fucich, Owner, **Kevin P. Fucich, LLC**, New Orleans, LA
- Daniel McGowan, Senior Security Manager, and Helene Hannan, Paralegal, **Brink's Global Services USA, Inc.**, Springfield Gardens, NY
- Patrick Reardon, President, and Tracy Hayes, Compliance, **Insight Service Group**, Danvers, MA
- Steve Connolly, Deputy Secretary & Chief Legal Counsel, and Kimberly Mason, Investigative Analyst, **West Virginia Secretary of State's Office**, Charleston, WV
- Marc Bognar, Chief Security Officer, and Chris Salmon, Compliance Manager, **SOS Security**, Parsippany, NJ

EVERYONE'S A WINNER WITH PRIZE GIVEAWAYS

IASIR's Sponsorship Committee debuted some new initiatives in Chattanooga that were successful in terms of fund-raising as well as raising the fun in general!

Prize donations were solicited from members and they came through with a bounty of desirable items: a collectible toy armored car, a bottle of Scotch from a family distillery, caps embroidered with the IASIR logo.

Some prizes were given as break-time door prizes, while others were won via raffle. This new effort generated a lot of laughter as well as funds for IASIR's 25th Anniversary challenge coins. Contact the IASIR office to donate this year.



Steve Amitay had his eye on the prize and won! Presented by organizer Karen Forsyth-McNeil.



MOVIN' ON UP

The hotel's grand staircase wasn't long enough to hold all of the attendees at the 2018 IASIR Conference in Chattanooga, Tenn. Both membership and attendance numbers continue to grow, and we're looking forward to breaking all records in Scottsdale!

ATTACK DEFINING MOMENT FOR HOMELAND SECURITY CHIEF

Continued from Page 1

After the attacker fired on the recruiting center, he left in a car with police pursuing and drove to the reserve center. "He exited his vehicle and engaged the police officers in a gun battle you would not believe," said Purkey.

He killed four Marines and injured others, including a sailor who later died. Eventually, he was shot by police.

The state did have terrorism protocols in place and Purkey recommended Gov. Bill Haslam implement them after the incident. "Now, that's a big deal for a governor," he said, noting

Haslam was initially hesitant to take the step.

"Basically, it's a two-page checklist of everything we need to do immediately," said Purkey. A four-person team was assigned to implement it. They began going through the list in Nashville, but were initially unable to reach Chattanooga officials.

"It was significant that we couldn't reach anyone for an hour," he noted.

Purkey headed to the city after speaking to the emergency management agency, which asked for assistance, and stayed in touch with Haslam. Before long, he advised the

governor to come to Chattanooga, telling him, "I think this city needs to see you now."

The governor spent time with law enforcement officials, including those involved in the incident, and spoke at a later press conference.

Purkey spent about three weeks in Chattanooga in the aftermath of the incident, which was a "defining moment in a 38-year career" for him.

"I can tell you that we think about the Chattanooga incident every day," he said, referencing deadly attacks that have happened since in Texas, Las Vegas and New York.

Measures have been taken in Tennessee to guard against the possibility of another attack. One of those is the use of garbage trucks and dump trucks to create barriers for large public events.

"One of the biggest threats that we have in this country is a vehicle-borne attack," said Purkey.

Despite precautions, the possibility always exists that another attack could occur.

"If a person becomes radicalized and decides they're going to give their life for what they're going to do, it's extremely difficult to guard against that," said Purkey.

SECURITAS EMBRACES ROBOTS TO ENHANCE SERVICES

The tools of the trade were pretty simple in 1976 when Brent Fortner started in the security industry as a guard.

He used a two-way radio, a watchclock and a clipboard "to write lots of reports," said Fortner, now vice president of special projects at Securitas Security Services USA.

Those essentials were modernized over the decades. However, it took the incidents surrounding 9-11 for a revolution to occur in the industry.

"It changed the philosophy of security," said Fortner. "Overall, the security industry came out better."



Brent Fortner

One of those changes was the use of data for predictive analysis. The latest way that looks is a security robot rolling through the hallways and parking lots of businesses.

During the session "From Watchclocks to Robots: The Evolution of Technology in the Security Industry," Fortner talked about his company's use of Knightscope robots, showing

video clips of them in action.

Securitas employs them as part of its security force at technology and pharmaceutical companies, medical facility parking lots, warehouses, banks, and office complexes. Knightscope's robots are still in their first generation, but Fortner said it's "far ahead" of other companies with the technology.

The K5 robot is a 400-pound, 5-foot-tall outdoor model while the K3 is an indoor robot – shorter and narrower, better suited to moving through hallways. A computer tablet on the



robot can be used to display messages. They are self-monitoring and return to the charging plate when batteries need recharging.

"I really think this is made to augment the industry," Fortner

noted, rather than replace security officers. Among the robots' features are license plate recognition, thermal recognition and anomaly detection.

He said a robot can serve as a force multiplier and a physical deterrent, as well as patrol hard to reach or previously neglected spaces. Data the devices collect empowers users to make more informed and safer decisions, helps mitigate workplace violence, and provides eye-level video surveillance.

For example, it can alert an employer that a domestic abus-

er has shown up in the parking lot or track a fired employee who is spotted at the workplace. The robot can mark suspicious vehicles and inform police about a car they are seeking by scanning its license plate.

It can forecast when overflow parking will be needed and develop an improved security patrol schedule. There is also an ability to broadcast messages, such as warning the lot is slippery, and the robot contains an intercom and panic button for those in distress.

The machine still faces some difficulties, such as traveling on rough terrain or maneuvering in elevators. "For as good as this is, it's first-generation technology," Fortner said. But that doesn't diminish its benefits.

"It's not just technology, it's good opportunities for the security industry," he concluded. The ultimate value of the robot is "to provide better service to our customers."

MAJOR THANKS TO OUR MAJOR SPONSOR NASCO

By Steve Amitay, Executive Director, National Assoc. of Security Companies

NASCO is pleased to once again be a major IASIR Conference sponsor, and I am happy to report that for 2018 NASCO has upped its sponsorship to the Platinum Level. I am very much looking forward to being in Scottsdale to celebrate IASIR's 25th anniversary and reconnect with my IASIR colleagues and meet new ones.

The IASIR Conference is a one-of-a-kind annual event where contract security indus-

try executives can come together with regulators from multiple states to dialogue on important industry topics. It's also beneficial to connect with and get input and information from representatives of the alarm, armored car and private investigative industries who have many of the same issues as contract security.

This will be my sixth straight year attending as NASCO's Executive Director. Over the years, I have been able to establish relationships with regulatory attendees that have aided my ability to get useful guidance



National Association of Security Companies

and feedback from these regulators when an issue arises in their state.

The conference is a great mix of substance, social activities and networking, and the IASIR staff and leadership do an excellent job organizing the event. I encourage other industries involved with IASIR to join NASCO in sponsoring and supporting this unique public/private partnership.

WORKSHOP ON FEDERAL CONTRACTS A LIVELY EXERCISE

Fabian Blache III, Executive Director & Chief Administrative Officer for the Louisiana State Board of Private Security Examiners, led a lively workshop on "Federal Contracts: A Case Study, an Exercise, and A Lot of Questions." The session looked at what states face when confronted with the nuances of federal contracts, which can, by design, circumvent local and state licensure requirements.

Following an introduction on trends and challenges, Blache guided participants grouped by table through a fictitious scenario with multiple considerations and difficulties. This segued into an analysis of how

contiguous states handle these engagements differently.

"The goal with this session was to take a multi-faceted approach to a complex issue that every state faces," Blache later reported. "The exciting part was how engaged everyone was, and the quality of the discussion that emerged around the topic using the case study format.

"Seeing industry and regulatory folks sitting side-by-side taking a forensic view of a complex application and vetting process, using their own knowledge of local laws and rules, resulted in a few interesting observations."

Overall, he said, many states

have similar mechanisms in place to vet companies and other individuals tethered to those entities. Participants from companies engaged in bidding on federal contracts see a lot of the same language in the RFP process, and were able to talk about some of the subtle nuances they encounter.

"This resulted in great questions from both sides about what should and shouldn't happen, or what concerns arise when trying to assure that when dealing with the federal government, something isn't running afoul of any applicable local laws," Blache said. "Not all federal contracts make use of the

federal enclave provisions, which in effect exclude those locales from adhering to state regulatory laws and rules with respect to investigations and security most specifically.

"It appeared that everyone in the room walked away from the exercise with a variety of newfound ideas and approaches to digging deeper and watching all corners of the documentation along the way," Blache concluded. "Thank you for allowing me to take us on that brief journey."



Fabian Blache III

TRAINING ESSENTIAL AS EVENT VENUES FACE DANGERS

When you manage safety at concert and sports venues for a living, as Russ Simons has for more than 35 years, it can be challenging to be a paying customer at such an event.

Rather than enjoy a concert attended with a friend, the chief listening officer and managing partner at Venue Solutions Group of Brentwood, Tenn., noticed the absence of a bag check and uniformed police. Simons mused that "with just a little effort" on the part of organizers, he could have had a good time that night.

"No one should enter your building without being checked."

In the address "Current Trends in Security in Sports and Entertainment Facilities: An Honest Conversation About Today's Environment," Simons suggested some anxiety would have been reasonable for anyone at that concert.

"The pace of the dangers we face are

exponential," he told attendees. "I don't think any one of us can have the quiet enjoyment that we're safe."

If something had happened to Simons at that concert, "it's on me," he said. "How you think and behave in your life is materially different than five years ago."

Pointing to terror attacks on public events and business districts in Europe during recent years, Simons called those incidents a training ground for people intent on bringing similar harm to citizens of the United States.

He said planning and preparation are key, emphasizing the need for security companies to train officers and ensure they are following the rules.

"There is a natural tendency to not be inconvenienced by rules, to work around



Russ Simons

rules," said Simons. "Any minimum standard of rules is an asset for us."

He outlined a series of future threats and challenges faced at large events. These run the gamut – cyber attacks, food contamination, protests, active shooters, domestic situations, utility disruptions and more.

During the mass shooting in Las Vegas, singer Jason Aldean ran off the stage and technical staff scattered. But there was a decision by somebody to act.

"Someone unilaterally turned up stage lights on the crowd," said Simons. "That's probably not what we would have liked to have seen. We need to realize we can't just do what we think is right."

That highlights the importance of training and following proper protocols.

"We don't want unilateral action," said Simons, by those working at events. "If you're not trained, we want you to act like the public."

GUIDE TO PRE-EMPLOYMENT SCREENING AND THE FCRA

By Don C. Johnson, CLI

For small business owners and large corporations alike, pre-employment screening has become an essential component of the modern human resources strategy. There are, of course, different levels of pre-employment and background investigations, and the person in charge of each business's human resources responsibilities can best determine how much background information is required before a job applicant can be qualified, or before a current employee can be considered for promotion.

Most human resource directors and employers now realize that when they contract with an outside firm to screen job applicants, they are subject to provisions of the federal Fair Credit Reporting Act (FCRA), whether searching for criminal records or other information. The "Credit" in the FCRA is to some degree a misnomer. The FCRA governs not only the recording and reporting of an individual's credit history, but when screening potential or present employees, it governs all retrieving, recording and reporting of "information on a consumer's character, general reputation, personal characteristics, or mode of living," including interviews of past employers or reference sources.

The Act also governs screening and investigations on present employees being considered for promotion or retention.



IASIR assembled a panel of experts to present on Pre-employment Background Investigations: Public and Private Processes and the Pitfalls, including (from left) Bruce H. Hulme, CFE, BAI, Director of Government Affairs, ISPLA; Don C. Johnson, CLI, CII, Private Investigator-Owner, Trace Investigations; and Walter Valentine, CFC, Private Investigator-Owner, Valentine Investigations.

(The FCRA is posted at www.ftc.gov/).

From the beginning of federal oversight of employment screening, the Federal Trade Commission (FTC) has been the primary agency in charge of enforcing the provisions of the FCRA in regard to pre-employment screening.

As of Jan. 2, 2013, enforcement of the FCRA moved to the Consumer Financial Protection Bureau (CFPB) from the FTC. The CFPB was created in the aftermath of the financial sector meltdown with the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act in July 2010. However, the FTC and the CFPB continue to share dual responsibilities in regard to enforcement of the FCRA.

The FTC has taken a hard line on pre-employment screening and employment related investigations, placing a certain administrative burden on employers and the agencies that provide screening services, and ensuring job applicants of certain rights under law. There are specific procedures the employer must follow when screening any job applicant.

When a criminal history is located on an applicant and an adverse action by the employer is anticipated as a result, further requirements come into play for the employer and the reporting agency (called a Consumer Reporting Agency, or CRA, in the Act). The FTC says any third party screening agency, including a private investigative firm, is a CRA under the Act.

Generally, the FCRA requires the employer to notify the job applicant in writing that a search will be conducted and what that search will include. If an adverse history is found which could affect that applicant's suitability for the job, further notice requirements are imposed on the employer.

The FCRA is not the only federal law or regulatory body that impacts pre-employment screening, such as the Equal Employment Opportunity Commission and the Equal Credit Opportunity Act. However, this article addresses only the requirements of the FCRA as it affects job applicants, employers and their screening firms.

OBLIGATION OF USERS

- Prior to obtaining a consumer report for employment purposes, the user must disclose to the applicant their intent in a clear and conspicuous disclosure (stand-alone document).
- Obtain from the applicant written authorization prior to procurement of the report.
- If an investigative consumer report is obtained, the consumer must be notified of its preparation no later than three days after the date on which the report is first requested. The applicant must be advised of their right to request additional disclosures as to the nature and scope of the report and be given a copy of the prescribed summary of consumer rights.

Continued on Page 7

BACKGROUND INVESTIGATIONS TOPIC OF PANEL DISCUSSION

IASIR invited three experts to present on Pre-employment Background Investigations: Public and Private Processes and the Pitfalls.

Walter Valentine, CFC, Private Investigator-Owner, Valentine Investigations; Don C. Johnson, CLI, CII, Private Investigator-Owner, Trace Investigations; and Bruce H. Hulme, CFE, BAI, Director of Government Affairs, Investigative & Security Professionals for Legislative Action, outlined potential minefields in employment background investigations, and contrasted the differences between public and private processes in obtaining criminal background information.

The panelists highlighted several trends, such as "Ban-the-Box" provisions, EEOC enforcement guidance, restrictions on use of arrest reports, misdemeanors, expunged and sealed records, limitations on first offense records, and ensuring that adverse reports have a relationship to the job assignment duties, given the nature and gravity of the offense in relation to the nature of the job or position assignment, as well as the age of the offense.

A key takeaway was that a private investigator conducting pre-employment investigations is considered a Consumer Reporting Agency (CRA) com-

piling consumer reports and therefore subject to the Fair Credit Reporting Act (FCRA). The FCRA, enacted in 1970, is a law containing 31 separate sections, 145 subsections, and 34,000 words. Its prime purpose is to protect consumers by preventing misuse of their sensitive information and improving the accuracy of consumer reporting information. It requires that "whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates."

Public criminal records may differ from those contained in reports generated from large data aggregators or "data dumpers" that scrape information from state criminal record depositories. CRAs are required to determine that a record actually applies to the subject of the inquiry: the potential employee.

The best evidence is when there's a minimum of two identifiers for a match in addition to a simple name search; for example, a full name connected to a DOB or SSN, two or more verified addresses connected to a full name, or several biometric factors, like physical description or photo match, tied to the full name.

PRE-EMPLOYMENT SCREENING

Continued from Page 6

- Certify to the CRA that all laws will be adhered to and that all notices and disclosures will be provided to the consumer, often called by a "Subscriber Certification of Use." Some employment law attorneys recommend that an individual certification be sent to the CRA with each applicant to be screened, providing a stronger audit trail of every applicant.

- Prior to taking any adverse action, based in whole or in part upon information provided in the consumer report, the applicant must be given a copy of the report and a copy of the consumer summary of rights.

- If adverse action is taken, the user must notify the applicant either in writing, orally or by electronic means. The user must provide the applicant with the name, address and phone number of the CRA that provided the report. The applicant must be advised that the CRA did not make the adverse decision and does not know why the decision was made; that the applicant has a right to obtain a free copy of the report from the CRA if ordered within 60 days; and that the Applicant has a right to dispute directly with the CRA the accuracy or completeness of a report.

OBLIGATION OF THE CRA

- Certain information older than seven years cannot be reported; like criminal case dis-

missals and expungements, civil judgments and liens which have been satisfied at least seven years earlier. Some state laws impose further restrictions on reporting. Bankruptcies that were released at least ten years earlier may not be reported. In general, employers may not use bankruptcy information when making an employment decision, regardless of the time line of the data.

- The CRA has a duty to maintain accuracy of public record and other information.

- A CRA must provide a notice to users of their responsibilities under the FCRA.

- When an adverse decision is made based upon information provided by a CRA, the CRA must respond to the applicant's inquiry within the time frame prescribed (60 days).

CONSUMER RIGHTS

- Anyone who uses information obtained from a CRA to take action against an applicant must notify the applicant, as noted above, and must give him or her the name, address and phone number of the CRA that provided the consumer report. The CRA must also provide a toll free number.

- At the request of the applicant, the CRA must give the applicant the information in his or her file, and a list of everyone who has requested it recently. There is no charge for the report if the user has taken

Continued on Page 8

PRE-EMPLOYMENT SCREENING

Continued from Page 7

action against the applicant based on information in the report, if the applicant requested the report within the 60 days deadline. Otherwise, the CRA may charge up to \$8.

- If an applicant tells the CRA that the file contains inaccurate information, the CRA must investigate the claim (usually within 30 days).

- Inaccurate information must be corrected or deleted. A CRA must remove or correct inaccurate or unverified information from their files, usually within 30 days after a dispute. In addition, the CRA must give an applicant a written notice stating it has reinserted the item. The notice must include name, address and phone number of the information source (for example, a county court clerk's office).

- An applicant can dispute inaccurate items with the source of the information. If an applicant tells anyone, such as a creditor who reports to a CRA (a credit bureau), that there is a disputed item, they may not then report the information to a CRA without including a notice of the dispute.

- An applicant's consent is required for reports provided to employers, including reports containing medical information.

- An applicant may seek damages from violators of the FCRA in state or federal court.

CONCLUSION

The employment related provisions of the FCRA should cause few problems or disruptions for employers if implemented properly. In summary, employers should:

1. Separately disclose a report request potential and obtain written consent from the applicant.
2. Certify to the CRA that disclosures and consent have been made and obtained, and provide Pre- Adverse Action and Investigative Report disclosures.
3. Prior to an adverse action, provide the applicant a copy of the report from the CRA and a Summary of Rights.
4. Provide post-adverse action notice stating the CRA contact information; that the CRA is not the decision-maker; the applicant's right to obtain a free copy of the report; and the right to dispute.

California Association of Licensed Security Agencies, Guards & Associates



A GREAT RECEPTION

Huge thanks to CALSAGA for hosting the opening day meet and greet. Fantastic food, beverages and every conference attendee mingled to make a memorable event. CALSAGA, a proud IASIR member, represents over 275,000 licensed security officers in California. "We share the same ethical and professional goals as the dedicated men and women of IASIR," says Roy Rahn, Executive Director. "We look forward to being in Scottsdale and again hosting an event for this worthwhile organization."



LOOKIN' HOT IN SCOTTSDALE: ORDER LANDS' END IASIR WEAR

You can rely on a hot time in our lush desert locale. But do you have the resort wear tony Scottsdale demands?

Well, you can get just about anything from Lands' End –

and get it emblazoned with IASIR's logo – in time for our 2018 Conference.

Shopping is fun and easy. Simply link to the



IASIR Wear E-store from the members-only section of our website, www.iasir.org. The entire transaction is via Lands' End and products

ship to you in about a week.

Wearing the IASIR logo embroidered on high-quality Lands' End gear is a great way to promote the association and the important work we do!

FACTORS TO DETERMINE IF A WORKER IS AN EMPLOYEE OR A CONTRACTOR

The people who work for a business aren't always its employees under the law.

Alison Broady of the Internal Revenue Service Communications and Liaison Office discussed the finer points of this distinction in her session, "Worker Classification: Employee or Independent Contractor?" This can be an important question for regulators in determining whether a worker needs to be licensed and/or registered in their state.



Alison Broady

An employee "performs services for you and is subject to your control regarding what will be done and how it will be done," said Broady. Independent contractors perform services, but employers only control the work done for them.

Factors in correctly determining the status of those who work for you are behavioral and financial control as well as the type of relationship the worker has with the employer. "The key is to look at the entire relationship," Broady said, and document how you made a determination.

Having behavioral control means the employer decides when and where the work is done. You also need to look at whether training is provided by the business and the degree of instruction given in doing a job. The more detailed those instructions, the more control an employer has.

"The key factor is whether the business retains the right to control the worker," she noted. It doesn't matter if the employer actually uses that right.

There are a number of indicators with financial control, too. Making a significant financial investment to complete the work may signal the person on a job is an independent contractor. However, that is not true in certain situations, like construction.

The method by which a worker is paid speaks to their status, said Broady. A person receiving hourly or weekly pay is an employee while a flat fee indicates a contractor. A business owner withholding Social Security, Medicaid and income taxes from a paycheck is also a clear indicator of employee status.

She noted that expenses incurred by an employee are more likely to be reimbursed than those of a contractor. Contractors are also more likely to be subject to profit or loss in their work.

The relationship between a worker and a business can vary depending on the employment situation. A written contract may indicate someone is an independent contractor, but "that doesn't mean anything to the IRS," said Broady.

Employee-type benefits such as vacation time or insurance are generally not granted to independent contractors. But the lack of such benefits is not an indicator that someone is a contractor.

Other factors to consider are the key business activities provided by a worker's services and the permanence of the employment relationship.

"A worker can be an employee even if he or she performs only a few hours of work for you," said Broady.

If a determination on a worker's status needs to be made for purposes of income and federal employment tax withholding, a business can fill out Form SS-8 and submit it to the IRS. It takes six months to process the form, which can be filled out by the worker or employer.

"Any worker classification determinations are made on a case-by-case basis," said Broady.

Go online to irs.gov and click on "Search forms and instructions" to find Form SS-8.

OPEN FORUM TACKLES DEREGULATION AND OVER-REGULATION

The following quotes are from the Nov. 10, 2017 IASIR Open Forum between government regulators and industry representatives to discuss regulatory concerns:

"It is not the federal government that prevents terrorism in the United States of America. ... You are on the front lines of preventing terrorism."

– Earl Rose, Intelligence Officer, U.S. Department of Homeland Security

"One of the big agreements is 'Well, would you go to your doctor if he wasn't regulated by the state? Would you hire an attorney if he wasn't regulated by the bar?' ... Deregulation is not going to happen anytime soon in Alabama."

– Keith E. Warren, Executive Director, Alabama Security Regulatory Board, on Alabama's new midwifery board

"Don (Johnson, President of the Indiana Private Investigator and Security Guard Licensing Board) had asked us to come down. It turned out there were only about 20 from our industry. All these other people were hairdressers. The thing we learned was you don't piss off hairdressers."

– Peter Psarouthakis, Executive Director of INTELLENET, talking about Indiana's review of regulatory boards

"It was really difficult for me to be here because I got hit with a governor's audit (of the state's regulatory boards). I'll be honest with you: I'm a little scared because I don't know where this is going to go in Nevada."

– Kevin Ingram, Executive Director, Nevada PI Licensing Board

OPEN FORUM TACKLES ENFORCEMENT ISSUES

"A lot of regulations haven't kept up with changes in the industry. As a company, we're really trying to fill in the gaps where there aren't regulatory requirements."

– **Swathi Staley, Corporate Counsel, Allied Universal Security Services**

"In my opinion, regulation of the investigative industry is broken and doesn't work in this country. ... I think this organization has the opportunity to address that."

– **Peter Psarouthakis, Executive Director of INTELLENET, talking about the need for more private investigators to get licensed and how that impacts the effectiveness of interstate compacts**

"It's just common sense. If you drive a car without a license you're not going to get fined because you don't have a license? We've got to get together. Strength is in numbers."

– **Terry L. Myer, Sr., President, NCISS**

"The end result is I'm looking for them to get licensed in Nevada."

– **Kevin Ingram, Executive Director, Nevada PI Licensing Board, on fining people who work unlicensed**

"As a regulator, I like the tattletales."

– **Lori Irizarry, Chief of Operations, Nevada PI Licensing Board, on asking licensees to tell her agency when they see unlicensed activity**

"When we do write somebody a ticket, it doesn't go anywhere. Maybe as a suggestion to everyone, if you have authority to write criminal tickets, educate your fellow law enforcement officers."

– **Joseph Proffer, Detective, Arizona Department of Public Safety**

COMPACTS MOVE OCCUPATIONAL LICENSES ACROSS THE STATE LINES

In an increasingly mobile society, interstate compacts for occupational licenses are on the rise.

These statutory contracts between states have been around since the founding of the United States and are recognized under the Constitution, said Rick Masters. The special counsel with the National Center for Interstate Compacts at the Council of State Governments spoke on "Interstate Compacts and Occupational License Portability."



Rick Masters

Interstate compacts can be used to resolve boundary issues, manage shared natural resources and create administrative agencies dealing with concerns that cross state lines. Masters noted transportation, taxation, environmental matters, regulation, education, corrections and public safety are some examples of these concerns. Other purposes continue to emerge, though.

"These are used in a wide variety of areas and are beginning to be used more commonly for multistate licensure," he told attendees. As people move between states, Masters said "being able to have a license that is portable" can be important in finding jobs and maintaining careers.

With 35 metropolitan areas across the country straddling state lines, it may even be a matter of living in one state and working in another. Advances in technology have been another factor, such as when a medical professional uses videoconferencing to see patients in another state. Other prompts for developing the compacts, said Masters, may be the threat of federal mandates, a general distrust of Washington D.C. or the proven track record of the agreements.

The Constitution provides a "minimalist provision" for interstate compacts, he noted, requiring the consent of Congress. But the Supreme Court clarified that consent is only needed when the matter involves powers otherwise reserved for the federal government. Masters said, on average, each state has 24 of these compacts with approximately 215 total active across the country.

He outlined how compacts benefit participating states and noted that they don't infringe on the home state's ability to revoke an individual license. A compact simply allows for administration of licensure processes across state lines.

Occupational license reciprocity through creation of interstate compacts has particularly taken off in the medical field.

Half of all states now have nurse licensure compacts and Masters said it's "expected that all 50 states will be at the table" in coming years. Forty-five states have a compact on mental health. Every state has an emergency management assistance compact, which is activated by a gubernatorial emergency declaration.

A smaller number of compacts have been put in place for other medical fields with the expectation that they will grow. Masters said a "deficit of health care professionals" across the nation may be part of the reason for the advancements in establishing those compacts.

EDITOR'S NOTE

Thank you to everyone who contributed to this edition of the **IASIR Regulator** newsletter, especially reporter Andrew Wind and photographer Bill Hamill. We appreciate the active participation of all members, and the great enthusiasm and ideas shared by 2017 attendees.



AUTUMN COLOR CRUISE

IASIR attendees enjoyed a two-hour cruise on the River Gorge Explorer, a high-tech vessel that swiftly traveled from the Chattanooga Pier to the scenic Tennessee River Gorge (Tennessee's Grand Canyon). At the height of fall color, it was a glorious end to a brilliant conference!



IASIR WEBSITE MAKES WORLD PREMIERE IN CHATTANOOGA

Imagine the thundering opening notes of the Star Wars theme, flashing Hollywood searchlights, billowing smoke effects ... and the exuberant crowd at the 2017 IASIR Conference counting down to the launch of the new iasir.org going live!

This only slightly exaggerates the much anticipated unveiling of the new website, produced and maintained by ProtaTECH, IASIR's technology partner. Thank you to Abraham Kumar, President, for sponsoring this initiative, and to Paul Devadoss for significant time spent in bringing this to fruition.

New features include live newsfeeds for each of IASIR's primary industries, as well as



IASIR's Facebook and Twitter accounts. Please participate in our social media efforts – post articles you find informative, share what's happening in your area, ask questions of your IASIR colleagues – it's a great opportunity to keep the lively conversation going between meetings!

Check out the upgrades and let us know what else you would like to see on the site. We'd also welcome a few volunteers to help keep content fresh on the home page.

LICENSING CHALLENGES LEAD OPEN FORUM DISCUSSION

It was the expected list of topics in the open forum – licensing, reciprocity and background checks – but a great exchange nonetheless.

Breakout sessions for government regulators and industry representatives preceded the forum and formed the basis for much of the discussion.

Dennis Casteel, then-director at Brinks, Inc., said many of the industry representatives worried about a lack of reciprocity between states for their licensed employees. But their concern isn't particularly about day-to-day operations.

"We're talking especially about emergency situations in a natural disaster," he said.

Casteel acknowledged that "licensing and qualifications are different all over the place." However, if someone is coming to work from another state who has gone through background checks and holds a valid license, he argued that makes a difference.

"Then the state (officials) in an emergency situation can feel much better about who's coming into that state," said Casteel. He suggested that if someone is coming from a state with

lower standards, the person could go through testing to ensure they meet requirements for an emergency situation.

Other attendees highlighted instances where allowing workers from other states has been put in place or is being considered. Puerto Rico's suspension of requirements in the wake of a devastating hurricane was noted as was an Alabama policy to allow outside security personnel to work in the state for 30 days after the governor declares an emergency.

In other states where changes from current policies are need-

ed, some said they would best be made at that level.

"I think the answer isn't the federal government," said Earl Rose, Intelligence Officer, U.S. Department of Homeland Security. "It's regulated at the state. States move far, far quicker than the federal government."

Fabian Blache, executive director of the Louisiana State Board of Private Security Examiners, said the inconvenience of going through the training and meeting the requirements is "certainly what drives unlicensed activity."

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DENNIS CASTEEL STUNNED BY LIFE MEMBER REVEAL

It's not easy to pull one over on Dennis Casteel. As a former police officer, firearms trainer and leader in the armored car industry, he has well-honed instincts to sense when mischief is afoot.

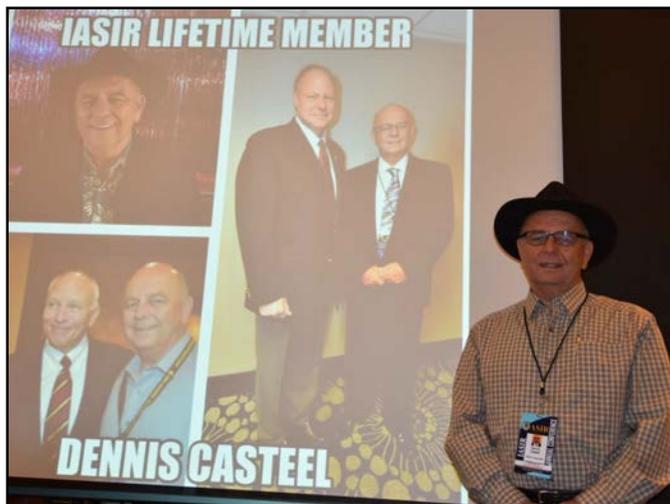
So you can imagine the IASIR Board's delight when Dennis was clearly moved and surprised by announcement at the close of the Chattanooga meeting that he had been voted into Life Membership. It is the highest honor awarded by the Association.

"Dennis has been a tremendous pillar in the security industry through his unwavering commitment and dedication to ensure that the armored car industry is represented in the best manner possible," said Patty Schmitt, who served with Dennis for many years as a fellow industry representative on IASIR's Board of Directors. "His work with legislation and regulators has been continuous and he won't stop until the matter is resolved. 'No' is not in his vocabulary, which is why he is constantly active."

That can-do attitude, at least in part, helped Dennis rise from humble beginnings and a tremendous amount of adversity.

Born in the southwest corner of Iowa in 1949, Dennis noted his parents "were so poor" they lived in an Italian prison camp abandoned after WWII. When he was 10, the family moved to California, where Dennis attended high school and college.

"In college, I got married at age 21 and worked part-time for a construction company," he recalled. "While working at the bottom of a large earthen ditch, I was buried alive. I was injured, blinding me in both eyes temporarily, thus postponing my education." It was nearly a year later when his eyesight returned.



As IASIR President Kevin Ingram called Dennis Casteel forward to bid him a fond farewell on the eve of his retirement, the image announcing his Life Member designation was projected behind them, letting attendees know several minutes before Dennis that he would always remain a part of this organization!

A criminal justice class moved Dennis to become a police officer. In 1975, he began a 20-year career with the Costa Mesa Police Department in southern California and also worked part-time for Brinks Inc. While participating in a police training exercise, he was accidentally shot by a fellow officer and during recovery was assigned to the training department.

"The incident led me to become a trainer and devote myself to firearms safety and better training for police officers," he said. "I enjoyed the firearms training so much that I became an NRA law enforcement instructor and I've conducted training across the U.S. and outside the U.S. for civilian, military and police."

Dennis was named the 1996 Police Officer of the Year, and in 1997 the California Legislature gave him an accommodation for his contributions to POST (Police Officer Standards Training).

In 1998, he was offered a corporate job in Texas by the Brink's Company, where he

developed training programs still in use today. During his career there, he held positions in multiple departments, including Operations, Human Resources and Risk Management. He retired as a Director at the end of 2017.

"I have belonged to many different organizations and I have enjoyed all of them," Dennis said, noting that he has kept membership in the International Law Enforcement Educators Trainers Association, the International Association of Chiefs of Police, and the California Robbery Investigators Association. "While at Brink's, I finished my career as president of the National Armored Car Association."

Dennis doesn't remember exactly when he joined IASIR, but he hasn't missed a meeting in the last 20 years! He was the 2012 recipient of the Donna Martin Spirit Award.

"I truly believe IASIR has so much to offer its members and states looking for guidance. Of all my memberships, IASIR meant the most, because it's so vital.

"IASIR is trying to make life better for everyone in this country," he told the crowd in Chattanooga as the standing ovation subsided. "We've tried to make life safer for everybody in this country. I've really enjoyed the friendships and camaraderie here. This recognition is wonderful. It means a lot to me."

In retirement, Dennis has moved back to California to be near family. He is married with two children and seven grandchildren. And he is greatly enjoying the hours spent in a workshop built next to his house, creating various woodworking projects – perhaps even something special for this year's silent auction!

NEW PROCESS ADOPTED TO GUIDE 2018 IASIR ELECTIONS

Objective: This document outlines the nomination process, candidate qualifications and voting procedures for IASIR's biennial elections.

Procedures: Members of IASIR's Board of Directors will be elected for two-year terms at the Annual Conference in even-numbered years. Elections shall be conducted according to the following:

A. The call for nominations will take place approximately two months in advance of the Annual Conference.

B. Nominations for Members of the Board of Directors will be accepted from IASIR members until the second day of the Annual Conference.

C. Board positions include:

- President
- First Vice President
- Second Vice President
- Secretary
- Treasurer
- Past President
- Members At Large
- Member At Large
- Member At Large
- Member At Large

- Industry Rep "Alarm"
- Industry Rep "Armored Car"
- Industry Rep "Private Investigator"
- Industry Rep "Security Officers"

D. Board Qualifications
President, First Vice President, Second VP:

- o Prefer nominee has attended at least two Annual Conferences prior to the election-year conference;
- o Prefer nominee has served in their qualifying capacity with a regulatory board/agency for a minimum of two years.

***There is an expected path of ascension for the top three positions from another Board seat to Second Vice-President to First Vice-President and finally to President. Each position is a two-year term.

Past President:

- o Automatically moves to this position.

Secretary, Treasurer, Member At Large:

- o Prefer nominee has attended the Annual Conference prior to the election-year conference;

- o Prefer nominee has served in their qualifying capacity with a regulatory board/agency for a minimum of one year.

Industry Representatives:

- o Prefer nominee has attended at least two Annual Conferences prior to the election-year conference;
- o Prefer nominee has a minimum of 10 years of experience in the industry the candidate has been nominated to represent.

***The following will also be taken into consideration:

- Prior involvement, interest, participation in IASIR conferences, initiatives, etc.;
- Previously nominated for an office but not elected.

E. Nominees meeting the eligibility requirements will be presented to the membership along with a brief nomination form that includes a biographical section and a candidate statement.

Nominations by IASIR members will be accepted from the floor at the Annual Conference, but all established criteria for nomination must be met.

F. Each candidate will be allowed three minutes to make his or her presentation to the membership a day prior to the voting.

G. Elections for officers and voting directors shall be decided by a majority of the votes cast by the full members present and in good standing at the general membership meeting.

H. Associate non-voting directors shall be elected by a majority of the votes cast by the associate members present and in good standing, representing the particular industry represented by that associate director, except that associate members currently engaged in more than one of the industries represented on the Board of Directors shall have one vote for each associate director representing the respective industry.

I. Votes are cast by paper ballot.

J. Votes are counted by the Past-President and two IASIR members not currently running or serving on the Board of Directors.

LICENSING CHALLENGES LEAD OPEN FORUM DISCUSSION

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The time it can take to get a license is "one of the biggest concerns," said Patty Schmitt, president of the Florida Association of Security Companies, noting that is six to eight months in some cases. "It's hindering people going to work," she said, even as businesses invest in the new employees

through training.

Some regulators, though, warned against fast-tracking background checks.

"I think we've got to be really, really careful in pushing these backgrounds to go more quickly," said Kevin Ingram, executive director of Nevada's Private Investigator Licensing Board. Those seeking a license in his state can receive provisional status

within a week, allowing them to work without a gun. The process to get a license is typically done within four to six weeks.

Those who find it takes longer often are people who lie on an application or don't include required documents, he said. Others suggested that background checks in some states show a significant number of applicants have criminal convictions.

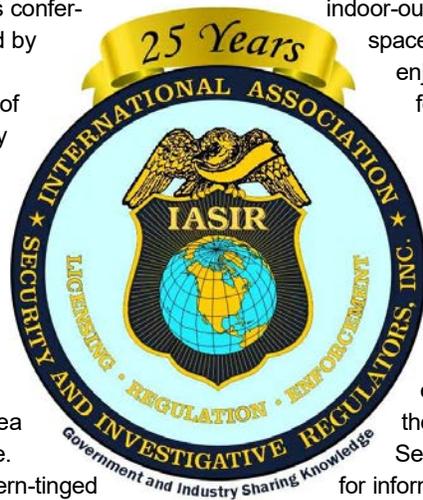
25 YEARS AND COUNTING: CELEBRATE IN SCOTTSDALE

IASIR will celebrate its 25th Anniversary at the annual conference Oct. 24-26 in Scottsdale, Ariz. Along with excellent programming on the theme of *Navigating the Regulatory Landscape: Exploring Regulatory Trends from the Beginning to the Present*, we have a number of special anniversary events planned:

- A retrospective presentation in conjunction with Opening Ceremonies that will include a video presentation and comments from past leadership.
- A poolside evening reception opening day, sponsored by CALSAGA.
- A 25th Anniversary Banquet Thursday night.

This year's conference, hosted by the Arizona Department of Public Safety Licensing & Regulatory Bureau, will be held at the beautiful Saguario resort in the Old Town area of Scottsdale.

This Western-tinged area celebrates the city's history while showcasing Arizona's best dining, shopping, art and nightlife – all in easy walking distance from the hotel. The Saguario features seamless



indoor-outdoor event spaces so all can enjoy the comfortable daytime temperatures in the 80s and gather around a fireplace or fire pit for cooler evenings in the 60s. See our website

for information on IASIR's room block and ground travel from Phoenix Sky Harbor International Airport (PHX), which offers direct flights from most destinations.

A block of rooms has been set

aside for IASIR at a rate of \$159 per night for single or double occupancy. Rooms will be available at this discounted rate three days prior to the conference as well as three days after, based on room availability.

To make reservations, call the hotel at 480/308-1100 and identify yourself as an IASIR Conference participant. To receive the special rate, reservations must be made by Tuesday, Oct. 2. For more information, contact the IASIR office.

We hope you can join us to honor IASIR's past and the many members whose hard work paved the way for organizational success and a prominent role in enhancing public safety worldwide!

FIRST-TIME ATTENDEE IMPRESSED BY SHARED CONCERNS

By Aleta Dodson, Licensing & Registration Unit Administrator, Private Investigator Security Guard Services, Ohio Homeland Security, Ohio Department of Public Safety



Aleta Dodson

I attended my first IASIR Conference last year and found that this organization is truly unique in the way it brings together both state/provincial regulators and contract security/private investigator companies to discuss challenges facing both groups.

Topics ranged from past and future trends in sports/entertainment venues to license portability. The information sharing was invaluable!

It was interesting to see the similarities in regulatory concerns between security/private investigator contractors and government agencies. Both place a high priority on

the proper clearance and background checks necessary to ensure individuals hired to perform these services do not pose a risk to clients, consumers and citizens.

One of the best reasons to attend was learning about trends in the industry across North America, including how different jurisdictions are handling licensure of drones and robots to perform security work.

I welcomed the opportunity to compare my state's requirements to others to see what we could be doing better or might need to consider evaluating further. All states have continued concerns over safety issues like proper firearm training and proper vetting of registered guards.

Important, detailed information was shared on legal issues impacting regulators and businesses, with sessions covering deregulation efforts, requirements for private investigators performing pre-employment checks needing to comply with the Fair Credit Reporting Act, and the possibility of interstate compacts for disaster services or license reciprocity.

The breakout sessions alone were reason enough to attend. Government and industry had separate breakout sessions to discuss top concerns. The next day in an open forum, the concerns of regulators were compared to companies' concerns, and there was significant overlap.

It was a great example of IASIR's ongoing mission to bring government and industry together to generate the best solutions for shared concerns.