

**MINUTES OF THE DECEMBER 1, 2009
CONSTRUCTION CONTRACTORS BOARD
LOCKSMITH ADVISORY COMMITTEE MEETING**

The Construction Contractors Board held a Locksmith Advisory Committee meeting on Tuesday, December 1, 2009, in the Santiam Room, West Salem Roth's IGA, 1130 Wallace Rd. NW, Salem, Oregon.

Committee Members: Co-Chairs Dennis Schad and Jon Mangis, William Blanchard, Ernie Blatz, Simon Blatz, William Curtis, Kristina Leipzig, and Christopher Tardiff.

Staff: Craig P. Smith, Administrator; Gina Fox, Education Manager; Richard Blank, Enforcement Manager; Shelly Wiles, Information Technology Manager; Kristie Patton, CSU/Licensing Manager; Nancy Weber, Consumer Education Representative; Larry Moore, Field Investigator; Lin Tindall, Compliance Officer; and Education Assistant Holly Eilertson.

Guests: Howard Hayes, Terry Henderson, Gary Frazier, Steve Brown, Randall Bailey, Bryan Donnell, Steve Telfer, David Welch, Bill Peters, Ted Drader, and Jesse Smith.

a. Review and Approve November 11, 2009 Minutes:

Review and approval of November 11, 2009 minutes moved to later in this meeting.

Co-chair Schad asked Locksmith Advisory Committee (LSAC) members to share thoughts, concerns, or input since the last meeting which need to be discussed today.

The consensus of the discussion from the committee members was:

- Concern about the cost. Because the cost is currently unknown it is not easily addressed.
- Grandfathering issue
- Test to 100: People embraced the concept of teaching people to find information and not exclude locksmiths.
- Who is qualified and who would be considered a locksmith under the program.
- Continuing Education.

b. Staff Report:

- 1) Testing Issues: Fox stated we have agreement from the author to use the test from the "Complete Book of Locks and Locksmithing". The CCB has received a letter from the publisher stating they are looking into granting us permission and will get back with us. The CCB Information Technology section is developing the test delivery system.

Ms. Fox explained the methodology of "testing to 100 percent" (test to 100). She explained that it is designed to educate, provide knowledge, and demonstrate that an applicant, once completed with test, has a minimum level of competency. If a question is answered incorrectly, the examinee is directed to the source where the answer may be located. The test question(s) will be asked again at the end of the test with all possible answers randomly displayed. Ms. Fox will work with the co-

chairs to develop a “Test Question” Subcommittee of LSAC to assist by locating the answers in the book.

Committee member, Ernie Blatz, asked if everyone will need the “Complete Book of Locks and Locksmithing” book.

Ms. Fox replied a person could pass the test without a book but it is best to develop a test from one book. Other source materials may be added over time, but must be readily available and affordable.

Administrator Smith explained the Test Question Subcommittee will review the test from the book to determine if the answers are correct and are based on basic locksmith knowledge. More review by the entire committee may be needed before the test may be ready for use by locksmith applicants.

Committee members William Blanchard and Christopher Tardiff volunteered to work on the test review subcommittee.

- 2) Application/Online: Licensing Manager Kristie Patton explained that the most efficient way to process the application, and test, is via the internet.

Committee member Blanchard asked if there will be other options for people that do not have computer access.

Ms. Patton and Administrator Smith stated that CCB is working on back-up plans. Some ideas include directing applicants to a state public library and having a kiosk at the CCB. It would be best if the public were limited to using personal computers, either at their home, their locksmith business, or at the CCB, to apply and take the locksmith test.

Ms. Fox stated that the CCB licensed contractor test is only provided by computer at certain testing locations; so this methodology should work for locksmiths.

- 3) Criminal Background Bar/Check: Enforcement Manager Rich Blank explained that the CCB does not have statutory authority to conduct criminal background checks through Oregon State Police, Law Enforcement Data System, or Oregon Judicial Information Network.

The committee discussed various options of restriction for locksmith certification.

- Self certification of an applicant
- Various time frames of convictions for certain crimes: 5, 10, or 20 year timeframes were suggested
- Should a person on post-prison supervision be certified
- Private enterprise methods of checking
- The value of an applicant supplying a fingerprint card for the CCB to have on file
- Seeking a change in statutory authority in 2011 and have new applicants and renewing locksmith certification go through the process.

Ms. Patton explained the current licensing process of self-certification criminal background history for CCB licensees and the list of crimes the applicant has been convicted of in the last five years.

c. Communications from the Public/Emails:

Education Manager Gina Fox handed out a summary of concerns compiled from the public comments people submitted to the CCB regarding the Locksmith program. We are posting all comments on CCB's website under the Locksmith Certification. All of the original comments are in the packets.

Other Comments:

Locksmith Draft Minutes: Administrator Smith noted the draft minutes from the previous LSAC meeting are in the packet. We will send draft minutes out before the end of the year via electronically delivery to LSAC members for review. The minutes will not be posted on the website until they are approved by the LSAC.

Standards of Practice: The Committee also discussed minimum Standards of Practice (SOP).

- Do not duplicate keys
- Identifying the customer

These issues are somewhat controversial and may require additional discussion before being developed into rules.

Administrator Smith suggested that the committee may wish to consider additional recommended SOP's at a later date, since the important task is to get the program up and running.

Non-Controversial SOPs: Staff may also recommend certain minimum standards of practice that may help to get the program started. The concepts would be presented at the next meeting.

d. Public Comment:

Co-Chair Schad opened the public comment session.

Steve Brown, with John Hardware in Portland would like to see the state license be recognized as opposed separate individual licenses for schools or hospitals. It would be good to have a general locksmith license with different levels 1, 2 or 3. They hired a gentleman, conducted a background check, and later found out the employee had a medical marijuana license, would this background check show something like that?

Gary Fraizer, with Cook's Security Group in Milwaukie, would like to know if having a CCB license, as well as employees with low voltage energy licenses who work on doors for access control, vaults, alarms, and various other projects, will they be required to have a locksmith certification license also?

Mr. Fraizer expressed concern that people from larger companies should be represented here or be part of the advisory committee. Additional concern was expressed that the test contains questions relating to manufacturer products.

Randall Bailey, with A1 Lock & Safe in Redmond stated that the communication could be better for the agenda and minutes. A small business will really be affected in the way we do business. I have talked to many locksmiths in the coastal area and they have no clue this legislation was passed. I would like to see a change in the way the minutes are posted because not everyone can come to Salem. I have a small shop, my wife cuts keys, and that is all she does. She is not a locksmith, but will she be required to have a locksmith license, pay the extra fees, and go through the background check? Will it increase our insurance because we are being held to a higher standard?

Committee member Blanchard addressed the question about a person that only cuts keys, they are exempt if that is all they do and they do not advertise as a locksmith.

Brian Donald, with Bend Lock & Safe asked who will oversee the judgment on criminal exceptions.

Anna Hayes, I submitted the question about the “do not duplicate” key stamp. My question is based on a consumer’s view, what is to prevent a locksmith company from stamping “do not duplicate” on keys I had made through their shop or work I had done on my home, business, or vehicle and forcing me to only work with one locksmith company. Regarding the test, are you going to have questions for ethics and judgment calls?

Howard Hayes, institutional locksmith, asked how this licensing will affect institutional locksmiths.

e. Decisions and Actions:

- 1) Testing: Ms. Fox reported that the plan is to use the test in “The Complete Book of Locks and Locksmithing” while we continue with the approval process for permission and meet with the subcommittee to review the test questions. The agency may need to add some questions to the pool of questions for the locksmith test.
 - a) Co-Chair Schad asked the LSAC members if there was any discussion before a vote on the test.
 - b) Bill Blanchard asked if we would be using the test to 100.
 - c) Ms. Fox confirmed the test to 100 and “The Complete Book of Locks and Locksmithing” would be used. If the publishing derails our process there will be a back-up plan.

MOTION: Committee member Ernie Blatz moved to proceed with test to 100 process.

VOTE: 6-0, Ayes—Blanchard, E. Blatz, S. Blatz, Curtis, Leipzig, and Tardiff. Co-chairs Schad and Mangis did not vote.

Motion carried.

- 2) Application: Ms. Patton said the agency's recommendation is an online application, with ADA accommodations, and help for applicants who may not be computer literate or have access to a computer.

MOTION: Committee member Tardiff moved to follow CCB staff recommendation of an online application, with ADA accommodations, and assistance for applicants with a special need.

VOTE: 6-0, Ayes—Blanchard, E. Blatz, S. Blatz, Curtis, Leipzig, and Tardiff. Co-chairs Schad and Mangis did not vote.

Motion carried.

- 3) Criminal Convictions/Background Check Issues: Enforcement Manager Rich Blank stated his recommendation is to follow the current Licensing process. Administrator Smith and Patton agreed.

Listed convictions in statue:

- Murder,
- Kidnapping
- Rape, Sodomy, etc.
- Sex Abuser
- Arson
- Robbery
- Theft

Leipzig suggested accepting the criteria of convictions CCB currently uses and adding more later on.

LSAC members agreed on current statutory convictions.

Committee member Tardiff suggested adding Theft 1 & 2, Robbery 1 & 2, Burglary 1 & 2 with the possibility of adding level 3 later on.

Added to the list of current convictions, to be used for Locksmith Certification:

- Theft 1 & 2
- Robbery 1 & 2
- Burglary 1 & 2

MOTION: Tardiff moved to start with the list of current convictions, expand Theft to include 1 & 2, expand Robbery to include 1 & 2, and add Burglary 1 & 2.

VOTE: 6-0, Ayes—Blanchard, E. Blatz, S. Blatz, Curtis, Leipzig, and Tardiff. Co-chairs Schad and Mangis did not vote.

Motion carried.

Timeframe for indicted or convictions of crimes:

- 5 years
- 7 years
- 10 years

- 15 years

Committee members discussed the issue of indicted versus conviction. Ms. Patton explained that the current Licensing process calls for CCB to know about an indictment, issue a license, and if a conviction arises, the license can be taken away.

MOTION: Committee member Curtis moved to require locksmith applicants to disclose indictments or convictions in the prior five years of application.

VOTE: 4-4, Ayes—Blanchard, Curtis, Leipzig, and Schad

Nays—Tardiff, S. Blatz, E. Blatz Mangis

Tie, motion did not pass.

Co-chair Schad suggested five years. Co-chair Mangis would like to see seven years.

Discussion: Prohibit Locksmith Certification within 5 years from date of conviction. Cross out indicted.

2ND MOTION: Committee member Ernie Blatz moved to increase the disclosure of convictions for a period of seven years prior to application, for the purpose of trying to tighten up the standards of what we do.

VOTE: 5-1, Ayes—Blanchard, E. Blatz, S. Blatz, Leipzig, and Tardiff. Nays—Curtis. Co-chairs Schad and Mangis did not vote.

2nd motion carried.

- 4) Probation, Supervision, or Post Prison Supervision:
LSAC discussed scenarios of probation, supervision, or post prison supervision.

MOTION: Tardiff moved that a person on probation, parole, or supervision should not be able to get a certificate.

VOTE: 4-1, Ayes—E. Blatz, S. Blatz, Curtis, and Tardiff. Nays—Leipzig. Abstained—Blanchard. Co-chairs Schad and Mangis did not vote.

Motion carried.

f. Standards of Practice – Discussion:

Standards of Behavior for contractors were distributed to the LSAC members, Oregon Administrative Rules (OAR) 812-003-0110. Enforcement Manager Rich Blank reported that CCB staff recommends this standard because it covers a broad scope. Recommend this back to staff for development of rules for locksmiths with this as a minimum. Additional standards of practice may be added for consideration at the next meeting.

- Consumer Identification: Committee member Blanchard asked if we could add in language requiring a locksmith to obtain positive ID.

Administrator Smith requested LSAC not ask us to do this today, but for Mr. Blanchard to work with Mr. Blank and Ms. Dahlin in drafting positive ID language and bring it back at a later meeting.

MOTION: Committee member Blanchard moved to accept staffs' recommendation of adopting OAR 812-003-0110.

VOTE: 6-0, Ayes—Blanchard, E. Blatz, S. Blatz, Curtis, Leipzig, and Tardiff. Co-chairs Schad and Mangis did not vote.

Motion carried.

- g. Review and Approve November 10, 2009 Minutes:**
The minutes of the November 10, 2009, LSAC meeting were amended as follows on page 6, paragraph 7, is amended to read: "The group reported that a letter was mailed out and a copy of the introduced bill earlier this year." and were approved.
- h. Adjournment:**
The meeting adjourned at 1:45 p.m. The next LSAC meeting is scheduled for January 5, 2010 at 10:30 a.m.

Respectfully submitted by Holly Eilertson, Education Assistant