



MINUTES

Ohio Private Investigators & Security Services Commission Committee: Legislative Committee Meeting

FEBRUARY 9, 2012– 1:00 P.M.

Location: Ohio Dept. of Public Safety
1970 W. Broad St. 4th Fl. C-1 & 2
Columbus, OH 43223

Committee Members Present:

Mike Moran, OASIS – Committee Chair
Gregg Hollenbaugh, Cal Crim, Inc.
Jim Sylvania, Sylvania Investigative Services, LLC
Gary Burkholder, Northcoast Research, Inc.
Melissa Grawe-PISGS (Designee for Earl Mack, Deputy Director, PISGS)

Committee Members Absent:

Steve Cotner, Corporate Intelligence Consultants, Inc.
Brian Simms, Franklin County Prosecutor's Office
Blair Staud, Ohio Support Services

Also Attending:

Anne Vitale, Legal Counsel, ODPS
Robert Booker, Exec. Dir., OIU

Call to Order - The meeting was called to order at 1:39 P.M.

Roll Call - completed by Chairman Moran.

Approval of Minutes - Minutes from the January 19, 2012, meeting were reviewed for approval. Amendments are:

1. Change Melissa Grawe to the Committee Member's list as DD Earl Mack's Designee.

A motion to approve the minutes with the noted changes was made. The vote was taken and the motion carried. Minutes for the January 19, 2012 meeting were approved with the noted corrections.

Welcome and Introduction –

Old Business-

Review ORC 4749 Legislation: Points of discussion were:

4749.031 Participation in retained applicant fingerprint database and continuous record monitoring service; initial or annual fees

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section 4749.03 of the Revised Code, at the time of making an initial or renewal application, shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code.

- **Changes Requested-** Add applicant for a license or a registration.

4749.04 Disciplinary Actions

(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section 4749.13 of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services.

- **Changes Requested-** Add a rule to set guidelines for Hearing Officers to follow when recommending penalties.

4749.05 Notice of change of address - report of presence to local law enforcement

(A) Each class A, B, or C licensee shall report the location of branch offices to the department of public safety, and to the sheriff of the county and the police chief of any municipal corporation in which the office is located, and shall post a branch office license conspicuously in that office. Application for a branch office license shall be made on a form prescribed by the director of public safety, and a license shall be issued upon receipt of the form and payment of a fee fixed by the director, not exceeding one hundred dollars. If a licensee moves an office, the licensee shall notify, in writing, the department of public safety and any affected sheriff and chief of police within forty-eight hours of the change.

This division does not apply to a licensed private investigator who is engaging in the business of private investigation as a registered employee of a licensed private investigator.

- **Changes Requested-** Conversed, the committee decided to complete research before deciding and revisit this section. Mr. Moran requested that Rodney Armstrong from Securitas Security Service USA attend the next meeting to discuss changes with this rule.

4749.06 Registration of employees

(A) Each class A, B, or C licensee shall register the licensee's investigator or security guard employees, with the department of public safety, which shall maintain a record of each licensee and registered employee and make it available, upon request, to any law enforcement agency. The class A, B, or C licensee shall file an application to register a new employee no sooner than three days nor later than seven calendar days after the date on which the employee is hired.

- **Changes Requested-**Create a separate code section for "Relationships with Law Enforcement".

(D) If a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, intends to carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used, or equivalency training, if authorized, or shall be a former peace officer who previously had successfully completed a firearms training course, shall receive a certificate of satisfactory completion of that program or written evidence of approval of the equivalency training, shall file an application for registration, shall receive a firearm-bearer notation on the licensee's or registered employee's identification card, and shall annually requalify on a firearms range, all as described in division (A) of section 4749.10 of the Revised Code. A private investigator, security guard provider, or employee is authorized to carry a firearm only in accordance with that division.

- **Changes Requested-**Mentioned, but not conversed.

(E) This section does not apply to commissioned peace officers, as defined in division (B) of section 2935.01 of the Revised Code, working for, either as an employee or independent contractor, a class A, B, or C licensee. For purposes of this chapter, a commissioned peace officer is an employee exempt from registration.

- **Changes Requested**-Provide coverage to local law enforcement and limit to jurisdiction, or upon approval of local Chief Peace Officer if it's outside of the jurisdiction.

4749.07 Private investigator and security guard provider fund

- **Changes Requested**-No Changes made

4749.08 Distinguished from law enforcement officer.

(A) No class A, B, or C licensee, or registered employee of a class A, B, or C licensee shall be considered, because of licensure or registration under this chapter, a law enforcement officer for any purpose. Nothing in this chapter shall be construed as granting the right to carry a concealed weapon.

- **Changes Requested**-Create a form for retired Police Officers to have firearms instructors complete. Send in a copy of your retired ID and the created form, with your FAB registration to be waived from completing the firearms course.

(B) The rules of the department of public safety adopted for the administration of this chapter shall include provisions to assure that any uniform or identification card shall be so designed as to avoid confusion of a private investigator, security guard provider, or registered employee with any law enforcement officer in this state.

- **Changes Requested**-Conversed with no decisions made.

4749.09 Effect of municipal regulation - fees.

Any class A, B, or C licensee, or registered employee of a class A, B, or C licensee, who operates in a municipal corporation that provides by ordinance for the licensing, registering, or regulation of private investigators, security guard providers, or their employees shall conform to those ordinances insofar as they do not conflict with this chapter. No license or registration fees shall be charged by the state or any of its subdivisions for conducting the business of private investigation, the business of security services, or both businesses other than as provided in this chapter.

- **Changes Requested**-Remove Municipal Regulation and change wording to "Legislature finds subject to statewide regulation and the municipalities may not require a license".

4749.10 Carrying firearm-

- **Changes Requested**-Discussion deferred

Conclusion:

The Next Meeting - The next Legislative Committee meeting is scheduled for February 23, 2012 at 1:30 P.M. at The Department of Public Safety.

Meeting Adjourned at 4:02 p.m.