



## MINUTES

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

**MARCH 8, 2012– 1:30 P.M.**

**Location:** Ohio Dept. of Public Safety  
1970 W. Broad St.  
Hearing Room 111  
Columbus, OH 43223

**Committee Members Present:**

Mike Moran, OASIS – Committee Chair  
Gregg Hollenbaugh, Cal Crim, Inc.  
Earl Mack, Deputy Director, PISGS  
Brian Simms, Franklin County Prosecutor’s Office  
Jim Sylvania, Sylvania Investigative Services, LLC  
Gary Burkholder, Northcoast Research, Inc.

**Committee Members Absent:**

Steve Cotner, Corporate Intelligence Consultants, Inc.  
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 February 9, 2012, meeting were reviewed for approval. Amendments are:

1. Add Blair Staud to Committee Members Absent
2. Add a . to Inc
3. Add a ‘ to Prosecutors
4. Correct “Staud”
5. Under 4749.04 change “fines” to “penalties”

Minutes from the February 23, 2012, meeting were reviewed for approval. Amendments are:

1. Under Welcome and Introduction change sentence to “The committee Members were unable to conduct an official meeting, due to lack of a quorum.

A motion to approve the minutes with the noted changes was made. The vote was taken and the motion carried. Minutes for the February 9, 2012 and February 23, 2012 meeting were approved with the noted corrections.

## Welcome and Introduction –

**Review ORC 4749 Legislation:** Points of discussion were:

### **4749.11 Investigating applicants.**

(A) The director of public safety may investigate any applicant for a class A, B, or C license, any principal officer or qualifying agent of a corporation who is specified in an application for licensure as satisfying the requirements of divisions (A)(1) and (F)(1) of section 4749.03 of the Revised Code, and any employee of a class A, B, or C licensee who seeks to be registered under section 4749.06 of the Revised Code to determine whether the individual satisfies the applicable requirements for licensure or registration.

- **Changes Requested-PISGS** will have their attorney look over and come up with language on this.

(B) The director may investigate, on the director's own initiative, the actions or proposed actions of a class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code. The director shall investigate any of these persons if a verified written complaint is filed indicating that a person has violated, or is or will be violating, section 4749.13 of the Revised Code; the complaint is supported by evidence submitted with it; and the director determines that a prima-facie case exists that a violation of that section is being, has been, or will be committed by the person.

- **Changes Requested-** Conversed, suggestions, but no decisions made.

(D) In connection with investigations under divisions (B) and (C) of this section, the director may file an action with the court of common pleas of Franklin county or the court of common pleas of the county in which the person who is the subject of the investigation resides, is engaging in actions, or proposing to engage in actions, to obtain an injunction, restraining order, or other appropriate relief.

- **Changes Requested-** Conversed

(F) If, in an investigation under division (C) of this section, the director determines that a person is not a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, and that the person was, is, or will be acting in the alleged manner, the director may issue an order to the person to show cause why the person should not be subject to licensing or registration under this chapter. The director shall hold a hearing on the order, and if following the hearing the director determines that the person has engaged, or is or will be engaging, in activities requiring licensure or registration under this chapter, the director may issue a cease and desist order that shall describe the person and the activities that are the subject of it. The cease and desist order is enforceable in and may be appealed to a court of common pleas pursuant to Chapter 119. of the Revised Code.

- **Changes Requested-** Add a provision to have probable cause hearing and/or a prosecutor shall take charge upon presentation of the case.

### **4749.12 Nonresident licenses.**

(A) A person who is a resident of another state; is licensed as a private investigator, security guard provider, or as a private investigator and a security guard provider in another state; and wishes to engage in the business of private investigation, the business of security services, or both businesses in this state, shall be licensed pursuant to section 4749.03 of the Revised Code, but the director of public safety may waive the examination requirement of that section and issue a license to a nonresident under the circumstances described in division (B) of this section.

- **Changes Requested-**Conversed, will research and revisit.

(B) If a nonresident private investigator, security guard provider, or private investigator and security guard provider seeking licensure under this chapter submits with the application and accompanying matter specified in section 4749.03 of the Revised Code proof of licensure in another state, and if the requirements of divisions (A)(1)(a), (b), and (d) and, if applicable, (F)(1) of section 4749.03 of the Revised Code are satisfied and the nonresident meets all current requirements of the laws of the other state regulating the business of private investigation, the business of security services, or both businesses, the director may waive the examination requirement and fee of that section. This waiver authority may be exercised only if the director determines that the other state has a law similar to this division and extends to residents of this state a similar waiver of examination privilege.

- **Changes Requested-**Remove the last sentence

**4749.13 Prohibited acts.**

- **Changes Requested-** No changes needed

**4749.14 Effect of child support default on license.**

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of public safety shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

- **Changes Requested-** Clarify that this applies to registrants and QA's

**4749.99 Penalty.**

(A) Except as otherwise provided in this division, whoever violates division (A) of section 4749.13 of the Revised Code is guilty of a misdemeanor of the first degree. Whoever violates division (A) of section 4749.13 of the Revised Code and previously has been convicted of one or more violations of division (A) of that section is guilty of a felony of the fifth degree. If the offender previously has been convicted of two or more violations of division (A) of that section, the offender shall be fined ten thousand dollars and also may be imprisoned not more than one year.

(B) Whoever violates division (B), (C), or (D) of section 4749.13 of the Revised Code shall be fined not less than one hundred or more than one thousand dollars, imprisoned not more than one year, or both.

- **Changes Requested-** Conversed, but no changes made.

**Conclusion:**

**The Next Meeting** - The next Legislative Committee meeting is scheduled for March 15, 2012 at The Ohio Department of Public Safety.

**Meeting Adjourned at 3:10 p.m.**