



Ohio Private Investigators & Security Services Commission
August 2, 2012
FINAL Minutes

Commission Meeting Date and Location: August 2, 2012, Ohio Department of Transportation, 1980 W. Broad Street, Columbus, Ohio 43223

Commission Members Present: Mr. Rodney Armstrong, Mr. Mike Cohen, Mr. Steven Cotner, Mr. Dwight Holcomb, Mr. Gregg Hollenbaugh, Mr. Brian Simms, Mr. Jeffrey Parson, Mr. Gary Wolske

Commission Members Absent: Mr. Dennis Deskins, Mr. Ralph Portier, Mr. Joseph Powell

Also Attending: Robert Booker, Colonel John Born, Tom Charles, Aleta Dodson, Tiffany DeArmond, Geoff Dutton, Julie Faulconer, Michael Mullaly, Joe Montgomery, Diana Rangel, Paul Rapp, Arnie Schropp, Jr., Anne Vitale, James Wernecke, Patrick Wilson

Visitors Attending: Dee Bardes, Whalen Security; Michael Hicks, API Security Services; Howard Korn, International Protection Group; Michael Moran, Ohio Association of Security and Investigation Services (OASIS); Terry Myer, Columbus Detective Agency; Ted Owens, Ohio Special Services Group; Mike Staley, Invitech

Mr. Mike Cohen, Chair, called the meeting to order at 1:00 PM.

ROLL CALL:

Mr. Rodney Armstrong	Here	Mr. Gregg Hollenbaugh	Here
Mr. Mike Cohen	Here	Mr. Jeffrey Parson	Here
Mr. Steven Cotner	Here	Mr. Joseph Powell	
Mr. Dennis Deskins		Mr. Brian Simms	Here
Mr. Dwight Holcomb	Here	Mr. Gary Wolske	Here
Mr. Gregg Hollenbaugh	Here		

A quorum was present to hold the meeting.

Mr. Cohen asked Robert Booker, Director of the Ohio Investigative Unit, to introduce the new Private Investigator Security Guard Services (PISGS) staff members. Mr. Booker introduced Arnie Schropp, Deputy Director of PISGS; Paul Rapp, Investigative Supervisor; Aleta Dodson, Licensing and Registration Supervisor; and Julie Faulconer, Administrative Assistant. Each individual gave a brief description of their work history. Mr. Booker reported that Earl Mack is now working in the Ohio Investigative Unit in charge of the Commission on Accreditation for Law Enforcement Agencies (CALEA®) inspections and policies.

OLD BUSINESS

Mr. Cohen asked if there was a motion to approve the minutes from the June 7, 2012, OPISSC meeting. Mr. Holcomb thought the last minutes were modified because Mr. Booker had been listed as a commission member and should be listed

Ohio Private Investigators and Security Services Commission
August 2, 2012
FINAL Minutes

as “also attending.” He said Mr. Booker is a commission member, but does not have voting rights as defined by the Ohio Revised Code. He wanted to clarify this and Mr. Booker agreed he should be in the “also attending” category. Mr. Cohen noted the change. A motion to accept the June 7, 2012, minutes was made and seconded; the minutes were approved with the noted changes.

Mr. Cohen requested approval to appoint Rodney Armstrong, Theodore Owens, and Howard Korn to the Legislative Committee. Commission members concurred and the individuals were appointed. Ms. Vitale suggested removing Earl Mack from all committees and appoint the Deputy Director of PISGS or his designee.

ACTION: Motion to remove Earl Mack from all three OPISSC committees and appoint the Deputy Director of PISGS or his designee. Hollenbaugh first. Holcomb second. None opposed. None abstained. Motion carried.

NEW BUSINESS

Commission Positions

Mr. Schropp reported that Wood County Sheriff, Mark Waslyshyn, and Chief Ralph Portier, Groveport Police Department, have been appointed to the Commission. Ms. Vitale said even though the Senate is not in session to confirm the appointments, they can still serve as they have been appointed by the Governor’s office. Mr. Charles anticipates once the Chief’s paperwork is in place, the Commission will be fully staffed.

COMMITTEE REPORTS

Mr. Cohen indicated today’s committee reports would be a summary on the status of the legislation rewrite. The target date of early 2013 remains the same. The next objective is to have a final draft presented to the Commission for their review prior to the next meeting. Once the Commission votes and approves the draft legislation, it will be forwarded to the Department of Public Safety (DPS) for their review.

Training Committee, Mike Cohen

Mr. Cohen said the committee agreed eight hours of training will be required and must successfully pass a test. There will be an option to test out of training. The consensus is to remove the Ohio Peace Officer Training Academy (OPOTA) from all training responsibilities pertaining to the private security industry. Training is to be delivered by certified instructors designated by the qualifying agent and certified by the office of the Director of DPS. Curriculum will be approved by DPS and testing software will be developed. The applicant will be responsible for the training costs, tests will be done online by a secure link or on paper with a proctor, and testing must occur at an approved test site. Optional training and continuing education will be encouraged for all employees to raise their competency and level of professionalism. Employees already registered will be grandfathered. Each provider may use their qualifying agents as their authorized trainer on staff, and may or may not charge their employees. A maximum training fee will be determined and go into law; that fee is for instructors and not the state.

To carry a firearm, the licensee or registered employee must comply with the following:

1. Satisfactorily complete a basic firearm training program approved by DPS.
2. The firearm training instructor must be approved and certified by DPS.
3. Individuals must have satisfactorily completed (within the last year) a firearm training program approved by DPS or show documented evidence that completed training is equivalent (i.e. military, law enforcement).
4. Annual requalification is required.

Mr. Wolske questioned why the Ohio Peace Officer Training Academy (OPOTA) was removed and Mr. Cohen said the main reason is the bureaucracy is not user-friendly to the industry. Mr. Hollenbaugh said OPOTA wanted to separate its ties with the private security industry and training of security officers. Terry Myer, Columbus Detective Agency, asked if there is going to be a separate test for investigators and one for security officers, or will they use the same test. Mr. Cohen said this is being looked at.

Ohio Private Investigators and Security Services Commission

August 2, 2012

FINAL Minutes

Portability Committee, Gregg Hollenbaugh

Mr. Hollenbaugh said licensing requirements will remain the same. Once DPS issues an individual a card, the individual can go to any company in Ohio and work from day one without re-registering. The card would be the individuals, would be good for two years, and expire on their birthdate. If someone is being hired new, they will be issued a temporary card good for a maximum of ninety-days.

Mr. Hollenbaugh noted that what had been originally worked on for the portability card might have changed Monday, so what he is reporting is what the committee recommended. The individual carries the card issued by the State of Ohio and the employer would issue an identification card. The individual is required to have both cards in order to work. Mr. Hollenbaugh said the state wants to look at another route that he is not sure he agrees with it. Mr. Booker said they are looking at developing a secondary card for the Firearm Bearer (FAB). Mr. Schropp said the identification card is like a driver's license: once they are trained and pass the test, it would be issued to them. The secondary card would list all of their endorsements, the places they can work, and the different levels for each one. One card is not good without the other. The primary card would be a two-year card they can present anywhere to work. The only thing that would change is that the secondary card would have the name of the company and what their class is. Mr. Hollenbaugh said the idea was not well received at the OASIS meeting yesterday. Producing two cards costs money and some guards might work for half a dozen companies in the course of a year. If the company name is on the card and an employee is terminated, that person is not going to get a new card and the company name will still be on it. Mr. Booker said the idea is still being vetted and appreciates the comments and looks forward to continued discussion. Mr. Hollenbaugh said the FAB part that came out in the training committee would be different than it is now. Currently, an FAB person has to qualify by their anniversary date, and the committee is looking at changing that to once in a calendar year, like law enforcement. Mr. Hollenbaugh and Mr. Parson suggested using stickers. Mr. Booker said the Department would like to consider all the comments and look at the viability.

Legislative Committee, Mike Moran

Mr. Moran reported the committee met Monday and the items he will report had the consensus of the committee unless otherwise stated.

- Terminology changes will be: security guard provider will change to "security provider" and "security guard" will change to "security officer."
- The business of security services definition will expand slightly to capture a few more phrases to make sure that it is clear what falls into that purview.
- The peace officer exemption language developed is "any local, state or federal law enforcement officer who is engaged in his/her official duties, including mutual aid, as defined in Chapter 2744 of the Revised Code, or in performing special duty security activities, authorized and approved by the law enforcement officer's authorized superior, within their territorial jurisdiction or outside the officer's territorial jurisdiction, through request of mutual aid or a person to advance authorization from the Chief LEO of the outside jurisdiction."
- Law enforcement officers would still be allowed to work off-duty without being licensed. The only caveat being that when working outside their jurisdiction, they must have the permission of their chief and the chief of the other jurisdiction they would be working in.
- The attorney-at-law or the expert retained by an attorney exemption will be modified to require the expert has to qualify as such under the Ohio or Federal Rules of Evidence.
- Individuals at central station monitoring who are only dispatchers will not be required to be registered.
- The Commission quorum will change to "one more than half of the currently serving appointed members."
- The Commission public representative qualification will be modified to say "may not be retired from law enforcement agency or been employed by a licensee within the past five years."
- Licensing requirements of 4,000 hours experience will remain the same, and can still be reduced to 2,000 hours if the person holds an associate's degree or higher.
- The felony conviction issue will now take into consideration application of Senate Bill 337, which changes everything.

Ohio Private Investigators and Security Services Commission

August 2, 2012

FINAL Minutes

- There will be a two-year company licensing period that will be phased in where the first half of the state will go with a one-year license renewal and then the other half will have a two-year license. The department will end up processing half of all license holders to ease the workload. Mr. Moran thinks most license holders will be glad to go to a longer licensing period and the department indicated they would just double the existing fee from \$275 to \$550.
- The Retained Applicant Fingerprint Database program (RAP Back) will be tweaked to include applications for license and registration.
- Language will be added allowing the Department to include additional disciplinary action of “refusing to issue, renew, restore or reinstate, reprimand or censure a license holder, put limits, restrictions or probationary conditions on license holder operation, and impose a civil fine not more than \$100 per violation and no more than \$10,000 in the aggregate,” and a statutory mandate to adopt the administrative rule to talk about how penalties will be handed out. The Department requested a recommendation be included that says the Director can investigate an applicant (Subsection 11) and a principal officer, and the committee added director or employee. There have been some complaints regarding people who weren’t qualifying agents or registrants, but were affiliated with companies that had checkered pasts.
- The Department requested including that if somebody’s license is revoked, that trade or business name will not be available to be utilized for one year after that.
- Language will be added that allows the director to not act on a minor violation of law that doesn’t endanger public safety if a warning to the offender will correct the problem.
- Allow a 30-day temporary assignment exception to Subsection 12, non-resident licenses, stating that if licensed in another state and in good standing, the business originates out of state, and are not soliciting business in Ohio, they could come into Ohio for up to thirty days to complete assignments.
- Add language in Section 13, unlicensed activity, that allows the attorney general, the prosecuting attorney, the chief legal officer of a municipality, the director of public safety or any other person having knowledge of a violation of the licensing law as far as getting a license, to obtain an injunction in court to shut down an unlicensed operation with a cost recovery provision to allow for legal fees and investigative costs.
- Add language to require a county prosecutor or chief legal officer of a municipality to take charge and conduct a prosecution of a case that’s referred to them by the department. The committee also recommends adding a provision allowing the Director of DPS to petition a court to appoint a special prosecutor to take charge of and conduct a prosecution of an unlicensed case or to assist the county prosecutor in an unlicensed case.
- Add language making qualifying agents and registrants subject to the child support default law and be subject to suspension.

Additional changes already discussed by other committees include removing the current statute requiring the Department adopt a rule describing when providers must report to local law enforcement, and municipal regulation cannot require licensing as it is preempted by the uniform statewide regulation. DPS will set the firearms qualification with a program and instructor.

The Legislative Committee will meet August 23rd at 1:30 PM. DPS Legal Counsel and staff are to research the impact of SB 337, draft preemption language for local regulation or licensing and summary suspension. Deputy Director Schropp will develop language with more teeth regarding individual registrants for presentation at the next committee meeting.

Mr. Wolske asked how the 2009 municipal regulation would affect communities with home rule. Mr. Moran said it will put them out of the security licensing business and Mr. Wolske asked if he expects pushback. Mr. Moran said he thinks there might be some, but he can’t think of one legitimate reason why a local entity would try to regulate something already done at the state level.

Mr. Holcomb brought up the proposed changes to exclude individuals with law enforcement experience from serving in the public representative seat of the Commission. He can see excluding them if they were recently retired from law enforcement, but does not agree with completely excluding anyone who might have retired from law enforcement many years ago. Mr. Moran said the issue is there are fourteen members on the Commission; it’s supposed to be advisory to the

Ohio Private Investigators and Security Services Commission

August 2, 2012

FINAL Minutes

director regarding the industry. Right now half the group is not from the industry; it becomes a law enforcement advisory committee. Mr. Moran said everyone on the Legislative Committee agreed to the recommendation, which will be brought before the Commission, where it can be discussed again. Mr. Wolske said based on the last statement, he suggested no action be taken until the law enforcement seats are filled so that the entire law enforcement community can weigh in on this. Mr. Moran said that is up to the Commission. Chairman Cohen asked if there were other questions or comments, and there were none. Mr. Moran said the Legislative Committee will provide their recommendation to the Commission next month.

Portability Committee, Gregg Hollenbaugh

Mr. Hollenbaugh reported their committee's work is completed and will e-mail the information to Ms. Vitale. Ms. Vitale said she will look at it and determine whether she will write it or if it would be best if someone else does that.

Training Committee, Mike Cohen

Mr. Cohen requested Jeff Parson be appointed to the Training Committee.

ACTION: Motion to appoint Jeff Parson to the Training Committee. Wolske first. Holcomb second. None opposed. None abstained. Motion passed.

Chairman Cohen read the PISSC mission statement for members to keep in mind what the Commission's objectives are:

"Our mission is to promote the safety and security of persons and property in Ohio through effective regulation and oversight of the private investigation and security services profession. The mission goals are: To effectively promote professionalism and partnership through registration, training, and legislation initiatives which will directly impact the private investigation and security services industry in the state of Ohio, and to protect the health and welfare of Ohio citizens by advising the Director of the Ohio Department of Public Safety on matters concerning the private investigation and security services profession by setting high standards for licensure and by fair and consistent enforcement of those standards."

ALRS Phase I of III, Arnold Schropp, Aleta Dodson, Mike Mullaly

Mr. Schropp said the project is ready for additional testing and will be rolled out soon. He introduced Mike Mullaly, the program developer, who can answer the technical questions. Mr. Mullaly reported that the online application process for a licensee and qualifying agent has been created. There is one more test to complete before everything is ready to go. Individuals who know nothing about the application will be used to get feedback on how intuitive and easy it is to navigate. All data entry processes associated with the online registration will be computerized and required documents such as Secretary of State certificate or proof of insurance can be uploaded. A demonstration can be arranged for the Commission. Some provider companies have gone through a demonstration and provided feedback, resulting in some changes. Mr. Mullaly said Mr. Cohen participated and Mr. Cohen said it went very well and he is looking forward to its implementation.

Enforcement Compliance Report, Paul Rapp

A copy of the enforcement report was distributed. Mr. Rapp indicated there is only one full-time investigator as the two contract investigator services were terminated. The plan is to have four investigators and a position has already been posted for the Cleveland area. Mr. Cohen asked if there is a particular emphasis or priority of investigations as far as the industry goes. Mr. Rapp said if there is something very egregious, that case will be handled immediately. He reviews all cases and makes the priority assignment. As more investigators are hired and trained, he is hoping to have a more proactive stance on complaints and address them in a more rapid fashion. Mr. Hollenbaugh said one of the problems in the last several years was using contractors who would not seek criminal cases on non-licensed holders. Mr. Rapp said there is no reason not to, but the cooperation of the local court system is required as PISGS investigators are not law enforcement. The investigators will work out of the Ohio Investigative Unit regional offices.

PUBLIC COMMENTS

Dee Bardes commented on the eight hours of training the Commission is going to require. She did not understand why a requirement to make the individual security guards pay their boss to train them for eight hours would be codified into law. She said security guards already put up a great deal of money in advance and asked the Commission to reconsider the matter. Mr. Hollenbaugh said she misunderstood what he said. Security guards could not be charged more than a specific amount for this training that the Commission will decide. It doesn't mean that the employer will automatically charge the employee for training. Ms. Bardes suggested a specific exception be written for employees so their employer will not charge them for this training.

Ms. Bardes asked what the Commission envisions the security guards would do with the two cards for portability. Would they clip them on or carry in their wallet and show them to enter the job, or is it really a database entry. Could they have a card instead that would give them authority or prestige or recognition that they are security.

Mr. Ted Owens, Training Committee member, provided the Commission with two proposals to consider: regulating the activities of private process servers and making assaulting a private investigator/security guard a felony. He said process servers do perform some quasi-investigative work when looking for a subject to process and believes they should be regulated under 4749. He suggested it could be a class D license. As for the felony, Mr. Owens said agency owners or private investigator/security officers need to advocate for this. Mr. Moran said the subject of process servers was discussed at the Legislative Committee and believes there was consensus they did not want to tackle that issue at this time. Mr. Owens said he can understand tabling it until a better time. His priority is making an assault on a private investigator or security officer a felony. Mr. Armstrong said this was discussed at the association meeting and Mr. Moran said there was not a lot of discussion at the Legislative Committee. Mr. Cohen suggested this should be discussed at the next Legislative Committee meeting.

Mr. Charles was pleased to have an official meeting and some new blood coming to the Commission and thanked everyone for being there. He thought this was a productive first meeting and looks for good things out of Director Schropp. Mr. Charles believes there are some things that can be done in legislation, and might want to think about enforcement of issues with the private security guards and investigators over and above the company aspect.

Mr. Hollenbaugh requested an updated Commission roster be sent to members and Mr. Schropp agreed.

Mr. Armstrong had an unrelated question regarding CIMS training for August 16th as he had not received an e-mail on that. Mr. Schropp said he had no information on that.

Mr. Cohen said the next Commission meeting would be September 27th. Prior to that, the Legislative Committee will deliver to all Commission members a draft that they can review prior to the Commission meeting. Mr. Cohen thanked Colonel Born for attending.

ACTION: Motion to adjourn the meeting. Schropp first. Wolske second. None opposed. None abstained. The meeting adjourned at 2:15 PM.