



## MINUTES

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

**January 19, 2012– 1:00 P.M.**

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

**Committee Members Present:**

Mike Moran, OASIS – Committee Chair  
Gregg Hollenbaugh, Cal Crim, Inc.  
Blair Staud, Ohio Support Services  
Jim Sylvania, Sylvania Investigative Services, LLC

**Committee Members Absent:**

Steve Cotner, Corporate Intelligence Consultants, Inc.  
Brian Simms, Franklin County Prosecutors Office  
Gary Burkholder, Northcoast Research, Inc  
Earl Mack, Deputy Director, PISGS

**Also Attending:**

Anne Vitale, Legal Counsel, ODPS  
Andrew Spencer, DPS Legislative Liaison  
Melissa Grawe, PISGS  
Robert Booker, Exec. Dir., OIU

**Call to Order** - The meeting was called to order at 1:10 P.M.

**Roll Call** - completed by Chairman Moran.

**Approval of Minutes** - Minutes from the December 8, 2011, meeting were reviewed for approval. Amendments are:

1. Investigations should be “Investigation”
2. Remove “Sub” from Committee, it should be Committee
3. Remove “H2”, add Security or Investigatory activities (on page 2, under Exemptions)
4. Change “Jurisdiction” to “Exemption” (under Conclusion, on page 2)
5. Change “Authority Status” to “Regulatory Status”( under Conclusion, on page 2)

A motion to approve the minutes with the noted changes was made. The vote was taken and the motion carried. Minutes for the December 8, 2011 meeting were approved with the noted corrections.

**Welcome and Introduction** – Mr. Moran introduced Tiffany DeArmond, Assistant of Director Booker, from The Ohio Investigation Unit as the new support person.

**Old Business-** Melissa gathered the percentage of Class A, B, C, license information (See Handout)

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

**4749.03 License Requirement**

(A1)(a) Has a good reputation for integrity, has not been convicted of a felony within the last twenty years or any offense involving moral turpitude, and has not been adjudicated incompetent for the purpose of holding the license, as provided in section 5122.301 of the Revised Code, without having been restored to legal capacity for that purpose.

- **Changes Requested-** Conversed, without decisions made

(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in investigatory or security services work for a law enforcement or other public agency engaged in investigatory activities, or for a private investigator or security guard provider, or engaged in the practice of law, or has acquired equivalent experience as determined by rule of the director of public safety.

- **Changes Requested-**Remove the two years immediately preceding requirement, and make education, experience or training equivalent.

(c) Demonstrates competency as a private investigator or security guard provider by passing an examination devised for this purpose by the director, except that any individually licensed person who qualifies a corporation for licensure shall not be required to be reexamined if the person qualifies the corporation in the same capacity that the person was individually licensed.

- **Changes Requested-**Change requirement examination to a “Laws and Rules” exam.

(d) Submits evidence of comprehensive general liability insurance coverage, or other equivalent guarantee approved by the director in such form and in principal amounts satisfactory to the director, but not less than one hundred thousand dollars for each person and three hundred thousand dollars for each occurrence for bodily injury liability, and one hundred thousand dollars for property damage liability.

- **Changes Requested-**Conversed, will be revisited

(B) An application for a class A, B, or C license shall be completed in the form the director prescribes. In the case of an individual, the application shall state the applicant’s name, birth date, citizenship, physical description, current residence, residences for the preceding ten years, current employment, employment for the preceding seven years, experience qualifications, the location of each of the applicant’s offices in this state, and any other information that is necessary in order for the director to comply with the requirements of this chapter. In the case of a corporation, the application shall state the name of the officer or qualifying agent filing the application; the state in which the corporation is incorporated and the date of incorporation; the states in which the corporation is authorized to transact business; the name of its qualifying agent; the name of the officer or qualifying agent of the corporation who satisfies the requirements of divisions (A)(1) and (F)(1) of this section and the birth date, citizenship, physical description, current residence, residences for the preceding ten years, current employment, employment for the preceding seven years, and experience qualifications of that officer or qualifying agent; and other information that the director requires. A corporation may specify in its application information relative to one or more individuals who satisfy the requirements of divisions (A)(1) and (F)(1) of this section.

- **Changes Requested-**Conversed, will be revisited

(B)(2) Character references from at least five reputable citizens for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of this section, each of whom has known the applicant, officer, or qualifying agent for at least five years preceding the application, and none of whom are connected with the applicant, officer, or qualifying agent by blood or marriage;

- **Changes Requested-**Remove the five letters of reference, replace with a requirement of at least three references.

(D) If upon application, investigation, and examination, the director finds that the applicant or, in the case of a corporation, any officer or qualifying agent specified in the application as satisfying the **requirements of divisions (A)(1) and (F)(1) of this section, meets the applicable requirements, the director shall** issue the applicant or the corporation a class A, B, or C license. The director also shall issue an identification card to an applicant, but not an officer or qualifying agent of a corporation, who meets the applicable requirements. The license and identification card shall state the licensee's name, the classification of the license, the location of the licensee's principal place of business in this state, and the expiration date of the license, and, in the case of a corporation, it also shall state the name of each officer or qualifying agent who satisfied the requirements of divisions (A)(1) and (F)(1) of this section.

Licenses expire on the first day of March following the date of initial issue, and on the first day of March of each year thereafter. Annual renewals shall be according to the standard renewal procedures contained in Chapter 4745. of the Revised Code, upon payment of an annual renewal fee the director determines, not to exceed two hundred seventy-five dollars. No license shall be renewed if the licensee or, in the case of a corporation, each officer or qualifying agent who qualified the corporation for licensure no longer meets the applicable requirements of this section. No license shall be renewed unless the licensee provides evidence of workers' compensation risk coverage and unemployment compensation insurance coverage, other than for clerical employees and excepting sole proprietors who are exempted therefrom

- **Changes Requested**-The Director also shall issue an identification card to an officer or Qualifying Agent, instead of "applicant"(2<sup>nd</sup> sentence, 1<sup>st</sup> paragraph)
- **Changes Requested**- Renew license every two years, renew photo every four years

#### **4749.04 Disciplinary Actions**

(A) The director of public safety may revoke, suspend, or refuse to renew, when a renewal form has been submitted, the license of any private investigator or security guard provider, or the registration of any employee of a private investigator or security guard provider.

- **Changes Requested**-Add reprimand, and impose probationary conditions on a license
- **Current Procedure**-Opposed to sending out a notice of a hearing letter to suspend, revoke, or refuse to renew, send a letter out offering a PISGS informational course for 1<sup>st</sup> time termination and registration violations. If the party does not comply with the opportunity to receive training, a charge letter to take disciplinary action will be issued.

**Conclusion:** Committee Chairman Mike Moran agreed to take on the responsibility of making the changes in the Ohio Revised Code Chapter 4749 Rules and Laws.

**The Next Meeting** - The next meeting is tentatively scheduled for February 9, 2012 at 1:30 P.M.

**Meeting Adjourned at 3:48 p.m.**

Approved copy