



Ohio Private Investigation & Security Services Commission
Committee: Legislative Committee Meeting
FINAL

March 11, 2013
Draft Minutes

Committee Members Present:

Mike Moran, OASIS – Committee Chair
Rodney Armstrong, Securitas Inc.
Gregg Hollenbaugh, Cal Crim, Inc.
Ted Owens, Ohio Special Services Group
Jeff Parson, Allied Barton
Jim Sylvania, Sylvania Investigative Services, LLC
Brian Simms, Franklin County Prosecutor's Office

Committee Members Absent:

Steve Cotner, Corporate Intelligence Consultants, Inc.
Howard Korn, International Protection Group
Blair Staud, Ohio Support Services

Also Attending:

Irwin "Mike" Cohen, OPISSC Chair
Aleta Dodson, PISGS
Julie Faulconer, PISGS
Paul Rapp, PISGS
Arnie Schropp, PISGS
Andy Spencer, PISGS
David Stelzer, Tactical Response Group
Anne Vitale, PISGS
Mark Waslyshyn, Wood County Sheriff

Call to Order - The meeting was called to order at 1:48 p.m. by Chairman Moran and was held at the Department of Public Safety, 1970 W. Broad Street, Columbus, Ohio.

Roll Call - Completed by Chairman Moran; a quorum was present to conduct business.

Rewrite of Ohio Revised Code (ORC) 4749.

Mr. Moran said he was unable to attend the last Ohio Private Investigation and Security Services Commission (OPISSCC) meeting and understands there was extensive discussion of the document Ohio Department of

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Public Safety (DPS) presented to them regarding the 4749. Rewrite. He would like to discuss these items and reconvene once as a committee prior to going back to the next Commission meeting with a response. Mr. Cohen said the Commission meets March 28th.

Andy Spencer, Legislative Liaison for the Department of Public Safety, gave a brief overview of the process required to submit these changes to the legislature. First a sponsor must be found who would introduce the legislation. He anticipates the entire process would take less than a year, giving ample time to educate the industry on the changes. Mr. Spencer cautioned that once legislative changes are introduced, a lot of things can be changed during the process.

Committee members reviewed the changes and additions DPS had regarding the rewrite of Ohio Revised Code (ORC) 4749. as presented to the OPISSC at their February 28, 2013 meeting. Items discussed were:

1. DPS does not want to change the term “security guard” to “security officer”. DPS said out of all the states, thirty-four use the term security guard, nine use the term security officer, and seven have no requirements. DPS has a concern that this could create problems in court cases where a security guard impersonates a law enforcement officer. If the title is changed in statute to security officer, this could create a legal defense in such cases because “officer” is in their official title. The committee requested DPS contact the nine states where they are called officer to see if they have encountered such problems.
2. Everyone agreed to use the term “security provider” in place of “security guard provider”.
3. DPS disagreed with the changes to 4749.10 shifting the responsibility of approving firearm training programs, instructors, and curriculum from the Ohio Peace Officer Training Academy (OPOTA) to DPS. Mr. Moran said OPOTA has made it clear they want nothing to do with certifying private investigator and security guards. Committee members said they experience long delays in getting people re-qualified. Mr. Schropp clarified DPS’s issue is with how the language is written; he has no problem allowing certified OPOTA instructors to do the firearm requalification, but does not want to get into the business of certifying firearm instructors when that is OPOTA’s job. Mr. Moran says right now companies have to deal with two different state agencies when the Governor is trying to make doing business easier in Ohio. Other items discussed included an exemption from attending firearm classroom training for law enforcement and retired military, whether DPS needs a score sheet or only evidence of requalification, and allowing National Rifle Association and other similar organizations teach firearm training. Mr. Cohen said the goal is to eliminate the bureaucracy of getting an individual qualified. It was decided that:
 - a. The language should be changed to say “DPS will accept firearm re-qualifications by any OPOTA certified firearm instructor” and the OPOTA instructor would approve the range where the test would be conducted.
 - b. The initial qualification and 20 hour class would remain in place.
 - c. Rewrite language to indicate requalification can be done by certified OPOTA instructors.
 - d. Develop a standardized form for firearm instructors to submit results to DPS.
 - e. Mr. Moran will re-write this section.
4. DPS added requirements that license applications include the names of all business officers, managing members, owners, and partners (CEO, CFO, etc.) of non-publicly traded companies to allow PISGS to consider their reputation for integrity along with the qualifying agent (QA) when vetting an application for

- licensure. Mr. Moran felt this language could be interpreted so many ways and asked the department to provide more specific language to the committee.
5. DPS added additional language to prohibit the use of terms such as law enforcement, police, constable, etc., in conjunction with “Ohio” or “State” in any form of advertising, uniforms, cars, etc., excepting commissioned police officers.
 6. DPS added the same prohibitions to registrants regarding convictions or crimes involving moral turpitude that currently only apply to qualifying agents. This corrects the change SB 337 made that eliminated this from 4749. Mr. Schropp said this will again allow PISGS to look back longer than three years in moral turpitude cases that were not an F1 or F2 level. Everyone was in agreement.
 7. DPS added integrity requirement for registrants. Mr. Moran felt this language could be interpreted so many ways and asked DPS to provide more specific language to the committee.
 8. DPS does not want companies to issue a temporary card on behalf of DPS. As far as the state is concerned, registrants in applied status should carry their receipt in their wallet as proof they are in applied status. Committee members agreed with this.
 9. DPS added authority for PISGS to take disciplinary action while criminal or civil charges are pending. Mr. Schropp said this would be where DPS can take disciplinary action in extreme cases such as where the security guard killed someone or there is a public safety issue. The Committee requested DPS provide more specific language to the committee.
 10. DPS added authority to take disciplinary action against those who proctor the proposed mandatory training exam. Committee members agreed.
 11. DPS clarified that a qualifying agent must be actively involved in the business and is responsible for ensuring that the business is in compliance with provisions of 4749. Mr. Schropp said a qualifying agent for six different companies cannot be actively involved in the operations. Committee members agreed with this.
 12. DPS clarified that a commissioned peace officer exemption from registration only applies to those working within their area of jurisdiction. DPS and committee members agreed. In regard to DPS’s proposal to extend the exemption to federal law enforcement officers, committee members were not in agreement and requested it be removed. Mr. Schropp agreed.
 13. DPS added back in the exemptions for architects, genealogists, etc., from having to register as security guards/private investigators that had been removed from the definitions code as they thought this was an oversight. Committee members said they do want these removed. Mr. Moran said the intent was to tighten up the exemptions to regulate unregulated people including peace officers working outside their jurisdiction. Mr. Schropp will check with Ms. Vitale as she was the one who reinserted into definitions.
 14. DPS proposed increasing the civil penalty cap to \$25,000. Mr. Schropp pointed out that currently there is no cap on fines and feels that \$10,000 is very low. He said when fines are assessed, PISGS takes into

consideration whether it is a mom and pop operation versus a large company. The committee requested DPS provide more specific language on this.

15. DPS removed the requirement that a schedule of fines be adopted in rule. Mr. Moran thinks the industry needs to know what they might have to pay and Mr. Schropp pointed out that each case is looked at differently. Mr. Schropp said latitude would not be available if there was a fine schedule in place. The committee requested DPS provide more specific language on this.
16. DPS added a yearly administrative fee for registrants to be reported by the licensee. When a company hires a person, they are to submit the roster report with \$5 for each person they hire; there would be no fee when they are terminated. Members want it to be a one-time fee, not an annual fee. Mr. Schropp agreed to that. Mr. Moran said that could be considered a user fee. A discussion took place regarding PISGS budget cuts and that portability will increase the cost of doing business. Some members felt the industry needs protected from having excess PISGS monies raided like what happened in 2006. Member suggested perhaps increasing the registration fees instead. Mr. Schropp will work on the language for this.

A meeting was tentatively scheduled for March 28th. Mr. Moran will check with Mr. Cohen regarding cancelling the OPISCC meeting scheduled that same day and hold the Legislative Committee meeting instead. Mr. Moran will update Ms. Dodson on the status of the meeting date.

ACTION: Motion to adjourn the meeting. Owens first. Parson second. None opposed. None abstained. Motion passed.

The meeting was adjourned at 3:54 p.m.