

Private Security/Investigator's Policy Committee
Minutes
August 21, 2012

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 21, 2012, at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317. The meeting was called to order by Chair Jeff Martin at 1:30pm.

Attendees

Policy Committee Members:

Jeff Martin, Chair
Ernie Loy, Private Business
Judy Pongratz, Retail
Paul Castleberry, Armed Security
Chuck Wade, Unarmed Security
Robert Smith, Healthcare Industry via phone
Justin Walker, Hospitality via phone
Jim Gibson, Private Investigator
Phil Agrue, Private Investigator

Committee Members Absent:

Shawn Cardwell, Vice Chair
Jim Essam, Alarm Monitoring
Bill Gieger, Manufacturing

DPSST Staff:

Eriks Gabliks, Director
Teresa Plummer, PSPI Program Supervisor
Karen Evans, PSPI Investigator
Tara Mathews, PSPI Curriculum Development Specialist
Julie Johnson, PSPI Compliance Specialist
Suzy Herring, PSPI Compliance Specialist
Heather Hatch, PSPI Licensing Specialist
Linsay Hale, Rules and Compliance Coordinator

Guests:

Craig Olsen, Private Investigator via phone
Pierce Larson, Private Investigator
John Catterson, Private Investigator

1. Chair’s Report and Administrative Announcements

This is a public meeting, subject to public meeting law and it will be digitally recorded

2. Public Comment

None

3. Consent Agenda (The following items ratified by one vote)

See Appendix A and B for details

- a. Approve meeting minutes from May 15th, 2012
- b. Approve meeting minutes from June 8th, 2012

Jim Gibson made a motion to approve the consent agenda. Ernie Loy seconded the motion. The motion carried with a unanimous vote.

4. OAR discussion related to ORS 181.871(1)(o) De minimis consideration

Presented by Linsay Hale

See Appendix C for details

- a. De minimis consideration is defined as any property or service you provide to an individual that has so little in value that accounting for it would be unreasonable or administratively impracticable.
- b. Non Profit events are using volunteers to provide security services for the event; in return these volunteers are being compensated. Staff would like guidance on the de minimis consideration definition.
- c. The committee had a thorough discussion about the definition of de minimis. It was decided that de minimis consideration would be defined as:
 - i. The compensation may not exceed a fair market value of \$125 per day.

Ernie Loy made a motion to file OAR 259-060-0010 as a proposed rule with the Secretary of State and as a permanent rule if no comments are received. Phil Agrue seconded the motion. The motion carried unanimously. The committee determined that there is no significant fiscal impact.

5. OAR discussion related to ORS181.871(1)(L)

Presented by Linsay Hale

See Appendix D for details

- a. Senate Bill 1524 passed in 2012 legislative session, updated the definition of ‘private security services’ and adds to the list of individuals exempt from regulation as a private security provider persons with a valid service permit issued by OLCC and employed by an OLCC licensee when performing age verification and controlling access to a premises of the licensee if the person is not armed, permitted to initiate confrontational activities or hired with the preliminary responsibility of taking enforcement. This rule update synchronizes the program definitions found in administrative rule to the statutory definitions. It also clarifies that the newly established OLCC licensure exemption applies only to those individuals whose primary duty does not include age verification or controlling access to premises where minors are prohibited.

Ernie Loy made a motion to file OAR 259-060-0010 and OAR 259-060-0015 as a proposed rule with the Secretary of State and as a permanent rule if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously. The committee determined that there is no significant fiscal impact.

6. OAR 5 Year Review of 259-060-0092 Accreditation

Presented by Linsay Hale

See Appendix E for details

- a. Committee reviewed the Accreditation program per their statutory requirements. No action required.

7. OAR 259-060-0600 Forms

Presented by Linsay Hale

See Appendix F for details

- a. OAR 259-060-0600 is currently a list of all of the private security forms
 - i. Staff has added a 'Reconsideration Application for Private Security Services Providers'
 - ii. Staff has changed 'Private Security Instructor Proof of Skills Improvement' to 'Private Security Instructor Continuing Education'

Ernie Loy made a motion to file OAR 259-060-0600 as a proposed rule with the Secretary of State and as a permanent rule if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously. The committee determined that there is no significant fiscal impact.

8. OAR Chapter 259, Division 61 Private Investigator Administrative Rules

Presented by Linsay Hale

See Appendix G and H for details

- a. Private Investigator subcommittee met and discussed two sections of their current rules.
 - i. Updated the fees rule and absorbed 259-061-0015 into the new fees rule.

Ernie Loy made a motion to file OAR 259-061-0010 as a proposed rule and the proposed repeal of OAR 259-061-0015 with the Secretary of State and as a permanent rule and repeal if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously. The committee determined that there is no significant fiscal impact.

- ii. Updated the application requirements and absorbed 259-061-0030, 259-061-0055, 259-061-0060, 259-061-0070, 259-061-0080 and 259-061-0090.

Phil Agrue motioned to file OAR 259-061-0020 as proposed rule and the proposed repeal of OAR 259-061-0030, 259-061-0055, 259-061-0060, 259-061-0070, 259-061-0080, and 259-061-0090 with the Secretary of State and as a permanent rule if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously. The committee determined there is no significant fiscal impact.

9. Subcommittee Reports

- a. Accreditation
 - i. The committee has decided to remove the Accreditation subcommittee from the agenda, and to add it back if needed at a later time

b. Curriculum

Presented by Judy Pongratz

- i. Less than a dozen job tasks left to review
- ii. The Department has given instructors incentive to attend by allowing them to claim the meetings on their continuing education form when renewing
- iii. Next meeting scheduled for September 25th, 2012

c. Armed

Presented by Paul Castleberry

- i. First armed qualification and instructor orientation at the public safety academy was recently held
- ii. Next armed qualification and instructor orientation scheduled in December
- iii. Next meeting scheduled for September 25th, 2012

d. Alarm Monitor- Jim Essam

- i. Nothing at this time

e. Investigator

Presented by Phil Agrue

- i. Subcommittee is currently reviewing the admin rules
- ii. Subcommittee is also reviewing the moral fitness for Private Investigators
- iii. Next meeting will be telephonic

f. Unarmed

Presented by Chuck Wade

- i. Nothing at this time

10. Department Update

- a. Tara Mathews has replaced Mike James due to the bumping processes with the current lay off list
- b. Welcome Chuck Wade as the Unarmed Representative and Jim Gibson as the Private Investigator Representative to the Policy Committee
- c. Staci Schmatlz recently got married and is now Staci Stilwell
- d. Budget is currently balanced and the Private Security/Investigator Unit is currently brainstorming for an investigator position replacing the vacancy from Chris Brodniak
- e. Julie Johnson is a new member of the Private Security/Investigator Unit replacing Ela Zabdyr

11. Next Meeting scheduled for November 13, 2012 at the Public Safety Academy in Salem, Oregon

- a. Meeting adjourned

Appendix A

Private Security/Investigator's Policy Committee Meeting Minutes May 15, 2012

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 15, 2012, at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317. The meeting was called to order by Chair Jeff Martin at 1:30pm.

Attendees

Policy Committee Members:

Jeff Martin, Chair

Jim Essam, Alarm Monitoring

Bill Geiger, Manufacturing

Ernie Loy, Private Business

Judy Pongratz, Retail

Paul Castleberry, Armed Security

Shawn Cardwell, Vice Chair

Robert Smith, Healthcare Industry

Justin Walker, Hospitality

Jim Gibson, Private Investigator

Phil Agrue, Private Investigator via phone

Absent

Chuck Wade, Unarmed Security

Guests

Craig Olsen, Private Investigator via phone

Scott Reilly, Eclipse Security and Investigations

Justin Jones, Copper John's

DPSST Staff

Teresa Plummer

Suzy Weinert

Linsay Hale

Heather Hatch

1. Chair's Report and Administrative Announcements

"This is a public meeting, subject to public meeting law and it will be digitally recorded."

2. Public Comment

No public comment

3. Consent Agenda

Ernie Loy requested that the two civil penalty cases be removed from the consent agenda for further discussion.

A correction to the February 21, 2012 minutes to reflect Justin Walker's absence was presented by DPST staff.

Jim Essam made a motion to approve the consent agenda with the updated changes. The motion was seconded by Ernie Loy. Motion **passed** unanimously.

3a. Chris McKinney - "Yolo Lounge"

The Department proposed a civil penalty in the amount of \$2,000 for operating as an Executive Manager while not licensed to do so and employing non-certified individuals to provide security services.

1. \$1,000 for operating as an Executive Manager
2. \$1,000 for employing non-certified security providers

Mr. McKinney is not currently and has not been licensed or certified as a security provider. This is McKinney's first violation. After he was educated on the laws and requirements, Mr. McKinney stated he would come into compliance. To date, the Department has not received any paperwork, training or fees since his initial conversation with staff.

Robert Smith made a motion to assess the civil penalty in the amount of \$2,000 to Mr. McKinney for operating as an Executive Manager while not licensed to do so and for employing non-certified individuals to provide security services. Paul Castleberry seconded the motion. Motion **passed** unanimously.

3b. Frank Chin PSID 47196-

Proposed civil penalty in the amount of \$3,000 for acting as an Executive Manager while not licensed to do so and employing non-certified individuals to provide security services.

- * \$1,000 for operating as an Executive Manager for Club 915
- * \$1,000 for operating as an Executive Manager for Jin's Steakhouse
- *\$1,000 for employing non-certified security providers

Mr. Chin was previously licensed as an unarmed professional and is currently under review from OLCC. In one case, a non-certified security officer was killed while working for Mr. Chin. Mr. Chin was educated on the laws and requirements. Mr. Chin stated that he would come into compliance. To date the Department has not received any paperwork, training or fees. This case has been ongoing for more than 2 years.

Ernie Loy made a motion to assess the civil penalty in the amount of \$6,000 to Mr. Chin for operating as an Executive Manager, for Club 915 and Jin's Steakhouse, while not licensed to do so and for employing non-certified individuals to provide security services. Ernie felt that the Department made significant efforts to assist Mr. Chin in coming into compliance and that it was apparent he was never going to do so when he failed to show up for a scheduled meeting to fill out and turn in application packets. There was significant discussion revolving around how and why this would be considered a flagrant violation as opposed to the previous case (McKinney – Yolo Lounge). Loy also indicated that each business was in violation and should be assessed separately.

- *\$1,500 for operating as an Executive Manager for Club 915
- *\$1,500 for employing non-certified security providers for Club 915
- *\$1,500 for operating as an Executive Manager for Jin's Steakhouse
- *\$1,500 for employing non-certified security providers for Jin's Steakhouse

Robert Smith seconded the motion. Motion **passed** with ten yeas and one nay.

4. OAR 259-060-0010 Proposed Rule definitions

- a. Review of the new definitions and exemptions for alarm monitors

- b. Bill Geiger made a motion to file 259-060-0010 as a proposed rule and to file it as a permanent rule if no comments are received. Jim Gibson seconded. Motion **passed** unanimously.
- c. The Policy committee determined that there no significant fiscal impact.

5. OAR 259-060 Proposed Rule Set

- a. Review of moral fitness sections of the rules 259-060-0015, 259-060-0020, 259-060-0120, 259-060-0130 and 259-060-0300
 - i. Ernie Loy made a motion to recommend filing 259-060-0015, 259-060-0020, 259-060-0120, 259-060-0130 and 259-060-0300 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Jim Gibson seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.
- b. Review of the compliance section 259-060-0450
 - i. Shawn Cardwell made a motion to file 259-060-0450 and 259-060-0010 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Ernie Loy seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.
- c. Review of the prohibited acts in 259-060-0015 and 259-060-0120
 - i. Robert Smith made a motion to file 259-060-0015 and 259-060-0120 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Ernie Loy seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.
- d. Review of the minimum standards section 259-060-0020 and 259-060-0015, specifically adding an educational requirement and when it will take effect
 - i. Shawn Cardwell made a motion to file 259-060-0020 and 259-060-0015 as a proposed rule with the Secretary of State, and to file it as a permanent rule if no comments are received. Jim Gibson seconded. Motion passes unanimously.
 - ii. The Policy committee determined that there no significant fiscal impact.

6. Subcommittee Reports

a. Administrative Rule

Jeff Martin reported that the rules have been updated and presented to the Policy Committee

b. Accreditation

Judy Pongratz reported that there are currently 4 alarm companies and 2 unarmed companies use the accreditation processes

c. Curriculum

Judy Pongratz stated that they are currently working on the job tasks. There are approximately 20 topics left to review.

d. Armed

Paul Castleberry reported that the subcommittee has approved a curriculum change that would require all firearm instructors to qualify at the DPSST range prior to being allowed in the instructor orientation. The first class of this kind will be on August 1, 2012. Paul should have more information on how this training class went at the next meeting.

e. Alarm Monitor

Jim Essam is currently watching a new national legislative bill affecting reciprocity

f. Investigator

Phil Agrue indicated that this subcommittee just had a meeting and it is their goal to re-write the PI administrative rules just as the private security group did.

g. Unarmed

Chuck Wade had nothing to report at this time

h. Moral Fitness

Ernie Loy reported that the moral fitness committee has completed its task of updating the moral fitness rules and it is currently in a suspended status and will re-convene if any more changes are to be made to this specific rule set.

7. Department Update

Teresa Plummer reviewed the private security fee history from 1995 until present. The unit will be able to sustain the staffing and supply expenses for the 2011-2013 biennium, however there will be a shortfall for the 2013-2015 biennium unless we see a significant increase in the number of applicants. The Department wants the Policy Committee to know about the current budget issues. The private investigator budget is currently experiencing a shortfall due to DOJ attorney costs for 2 contested cases.

There are two open positions in the unit - a Compliance Specialist 3 funded by the Private Investigator revenue and a Compliance Specialist 1, which is funded solely by the Private Security revenue. The Department is currently recruiting for the Compliance Specialist 1 position, however the Compliance Specialist 3 will remain vacant for cost savings.

Curriculum Development Specialist, Mike James, was “bumped” by an employee who was on the layoff list. This “bumping” procedure is outlined in the represented employees’ union contract. Tara Mathews will be our new curriculum development specialist.

8. Next meeting scheduled for August 21, 2012

Meeting adjourned at 3:35pm

Appendix B

**Private Security/Investigator's Policy Committee
Meeting Minutes
June 8, 2012**

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a telephonic meeting on June 8, 2012, at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317. The meeting was called to order by Chair Jeff Martin at 1:30pm.

Attendees

Policy Committee Members:

Jeff Martin, Chair via phone

Jim Essam, Alarm Monitoring via phone

Ernie Loy, Private Business via phone

Judy Pongratz, Retail via phone

Paul Castleberry, Armed Security via phone

Robert Smith, Healthcare Industry via phone

Jim Gibson, Private Investigator via phone

Absent

Chuck Wade, Unarmed Security

Bill Geiger, Manufacturing

Shawn Cardwell, Vice Chair

Justin Walker, Hospitality

Phil Agrue, Private Investigator

Guests

Bill Klein, Chemeketa Community College

DPSST Staff

Teresa Plummer

Suzy Weinert

Karen Evans

Linsay Hale

Heather Hatch

1. Chair’s Report and Administrative Announcements

“This is a public meeting, subject to public meeting law and it will be digitally recorded.”

2. Oregon Administrative Rule 259-060-0005

- a. No content change, just general maintenance
- b. Ernie Loy made a motion to file 259-060-0005 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Bob Smith seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

3. Oregon Administrative Rule 259-060-0025

- a. No content change, just reorganized and general maintenance
- b. Ernie Loy made a motion to file 259-060-0010, 259-060-0025, 259-060-0120, 259-060-0130, 259-060-0450, 259-060-0500 and 259-060-0300 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Jim Essam seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

4. Oregon Administrative Rule 259-060-0060

- a. Reviewed minimum training requirements
- b. Bob Smith made a motion to file 259-060-0060, 259-060-0065, 259-060-0070, 259-060-0075, 259-060-0080, 259-060-0085, 259-060-0095, 259-060-0120, 259-060-0130 and 259-060-0135 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Ernie Loy seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

5. Oregon Administrative Rule 259-060-0090

- a. Clarification and general maintenance
- b. Ernie Loy made a motion to file 259-060-0090 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Judy Pongratz seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

6. Oregon Administrative Rule 259-060-0092

- a. Reviewed accreditation requirements and general maintenance

- b. Judy Pongratz made a motion to file 259-060-0092 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Bob Smith seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

7. Oregon Administrative Rule 259-060-0115

- a. Repealing the rule as a whole
- b. Bob Smith made a motion to file 259-060-0115 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Judy Pongrantz seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

8. Oregon Administrative Rule 259-060-0140

- a. New rule adoption
- b. Judy Pongratz made a motion to file 259-060-0140 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Ernie Loy seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

9. Oregon Administrative Rule 259-060-0450

- a. Reviewed compliance
- b. Bob Smith made a motion to file 259-060-0450 with the Secretary of State as a proposed rule, and file as a permanent rule if no comments are received. Judy Pongratz seconded. Motion **passed** unanimously.
- c. Policy committee determined that there no significant fiscal impact.

10. Next meeting scheduled for August 21, 2012

Meeting adjourned

Appendix C

Department of Public Safety Standards and Training

Memo

Date: August 21, 2012
To: Private Security and Investigator Policy Committee
From: Linsay Hale
Rules & Compliance Coordinator
Subject: OAR 259-060-0010 & 259-060-0015 – Proposed Rule
2011 SB 635 – De Minimis Consideration

Background: SB 635, passed in the 2011 legislative session, adds to the list of individuals exempt from regulation as private security providers persons who provide “security services as a volunteer or for de minimis consideration other than money for an event operated for the benefit of a corporation that is organized not for profit ...”

The legislative committees were clear that the intent of the bill was to exclude from certification requirements people working as a volunteer for a non-profit organization, unfortunately the group was vague as to the definition of “de minimis consideration,” relying on statutory history and case law to form the definition [Senate Judiciary Committee Public Hearing, 3/8/11].

Issue: PSIPC needs to discuss the meaning and limitations of this exclusion which was enacted on June 17, 2011 and develop proposed rule language that clarifies intent for its constituents and staff.

The following revised language for OAR 259-060-0010 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0010

Definitions

(##) "De Minimis" means ...

The following revised language for OAR 259-060-0015 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0015

Private Security Provider Responsibilities

(2) Persons described in ORS 181.871 are exempt from regulation as private security providers.

(b) The exemption found in ORS 181.871(o) does not apply to an individual ...

ACTION ITEM 1: If a consensus is reached, determine whether to recommend filing proposed language for OAR 259-060-0010 and 259-060-0015 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-060-0010 and 259-060-0015 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Appendix D

Department of Public Safety Standards and Training

Memo

Date: August 21, 2012

To: Private Security and Investigator Policy Committee

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAR 259-060-0010 & 259-060-0015 – Proposed Rule
SB 1524 – OLCC Regulation Exemption

Issue: SB 1524, passed in the 2012 legislative session, updated the definition of “private security services” and adds to the list of individuals exempt from regulation as a private security provider persons with a valid service permit issued by OLCC and employed by an OLCC licensee when performing age verification and controlling access to a premises of the licensee if the person is not armed, permitted to initiate confrontational activities or hired with the preliminary responsibility of taking enforcement.

This rule update synchronizes the program definitions found in administrative rule to the statutory definitions. It also clarifies that the newly established OLCC licensure exemption applies only to those individuals whose primary duty does not include age verification or controlling access to premises where minors are prohibited.

The following revised language for OAR 259-060-0010 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0010

Definitions

(26) "Private Security Services" means the performance of at least one of the following activities:

- (a) Observing and reporting unlawful activity;
- (b) Preventing or detecting theft or misappropriation of any goods, money or other items of value;
- (c) Protecting individuals or property, including, but not limited to proprietary information, from harm or misappropriation;

(d) Controlling access to premises being protected **or, which respect to a licensee of the Oregon Liquor Control Commission, controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited;**

(e) Securely moving prisoners;

(f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225; or

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

The following revised language for OAR 259-060-0015 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0015

Private Security Provider Responsibilities

(1) A person may not act as a private security provider unless that person is certified or licensed under the Private Security Services Providers Act and these rules.

(2)(a) Persons described in ORS 181.871 are exempt from regulation as private security providers.

(b) The exemption found in ORS 181.871(L) does not apply to an individual who has the primary responsibility of controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited.

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-060-0010 and 259-060-0015 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-060-0010 and 259-060-0015 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Appendix E

259-060-0092

Accreditation of Private Security Training Programs

- (1) An employer seeking accreditation of training programs pursuant to ORS 181.878(3) must submit:
- (a) A completed application on a form approved by the Department;
 - (b) A course syllabus with an hour- breakdown of the course outline and training schedule;
 - (c) A complete copy of the course curriculum; and
 - (d) Any required fees.
- (2) Requests for accreditation that are determined by the department to be incomplete or insufficient will be returned to the designated accreditation program manager and Executive Manager, with an explanation of the deficiency.
- (a) If the deficiency is not corrected within 21 days of the date of the letter, the request for accreditation will be administratively terminated.
 - (b) A provider must resubmit all required information, in accordance with subsection (1) of this section to reapply.
- (3) The accredited program must be under the direction of a designated Accreditation Program Manager.
- (a) Certified Private Security Instructors must administer the delivery and instruction of the accredited curriculum, in accordance with OAR 259-060-0135.
 - (b) Training records must be maintained by the instructor pursuant to OAR 259-060-0095.
- (4) A written accreditation agreement must be under the direction of a designated Accreditation Program Manager.
- (a) The accreditation agreement will not be valid until signed by the Department's designee, the security service provider's executive manager and designated accreditation program manager.
 - (b) The accreditation agreement must be renewed every two years in accordance with subsection (1) of this section.
- (5) The Department may conduct periodic reviews of an accredited program.
- (a) The review may consist of physical audits or written questionnaires.
 - (b) The Department, at its discretion, or upon constituent request, may monitor training and testing processes during the delivery of an accredited portion of the training program.
 - (c) The Department shall, at a reasonable time, be given access to personnel training records to verify training received under the accredited program.
- (6) The accreditation agreement may be terminated for any of the following reasons:
- (a) Any violation of the Private Security Service Providers Act or its administrative rules;
 - (b) Failure to comply with the terms of the accreditation agreement;

(c) At the discretion of the Department, or the service provider, with 14 days written notice.

(A) The executive manager, on behalf of the private security service agency, shall have the right to appeal a proposed termination of an accreditation agreement. The appeal must be in writing addressed to the Department.

(B) The Department may work with the service provider to correct any violation and continue the accreditation agreement upon a finding of good cause.

(7) Individuals or private security service agencies that use another service provider's accredited training program must also enter into an accreditation agreement with the Department before utilizing the accredited program.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

Hist.: DPSST 4-2007, f. & cert. ef. 2-15-07

Appendix F

Department of Public Safety Standards and Training

Memo

Date: August 21, 2012

To: Private Security and Investigator Policy Committee

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAR 259-060-0600 – Proposed Rule
Forms

Issue: This proposed rule change updates the Private Security forms list found in rule. The title of Form PS-8 was changed to “Private Security Instructor Continuing Education,” and Form PS-30 – Reconsideration Application for Private Security Services Providers was added.

The following revised language for OAR 259-060-0600 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0600

Forms

The Department utilizes the following forms:

- (1) PS-1 -- Application for Licensure or Certification of Private Security Services Provider.
- (2) PS-3 -- Private Security Order Forms Sheet.
- (3) PS-4 -- Affidavit of Person Rolling Fingerprints.
- (4) PS-6 -- (Affidavit of Instructor and Private Security Provider Testing Results).
- (5) PS-7 -- Private Security Instructor Evaluation.
- (6) PS-8 -- Private Security Instructor ~~Proof of Skills Improvement~~ **Continuing Education**.
- (7) PS-9 -- Private Security Waiver for Reciprocity.
- (8) PS-20 -- Private Security Services Provider Temporary Work Permit.

(9) PS-21 -- Renewal of Private Security Services Licensure or Certification.

(10) PS-23 -- Private Security Services Provider Change of Information.

(11) PS-27 -- Private Security Code of Ethics.

(12) PS-30 – Reconsideration Application for Private Security Services Providers

[ED. NOTE: Forms referenced are available from the agency.]

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-060-0600 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-060-0600 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Appendix G

Department of Public Safety Standards and Training

Memo

Date: August 21, 2012

To: Private Investigator Subcommittee

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAR 259-061-0020, 259-061-0030, 259-061-0050, 259-061-0055, 259-061-0060, 259-061-0070, 259-061-0080 & 259-061-0090 – Proposed Rule
Private Investigator Application Process

Background: This proposed update combines all of the private investigator application requirements into one rule. The title of OAR 259-061-0020 is changed from “Initial and Renewal Applications” to “Application for Private Investigator Licensure,” and contains the information found in:

- OAR 259-061-0030 (Application Requirements for Licensees with Expired Licenses)
- OAR 259-061-0050 (Bonds and Letters of Credit)
- OAR 259-061-0055 (Errors and Omission Insurance)
- OAR 259-061-0060 (Photographs for Identification)
- OAR 259-061-0070 (Fingerprint ID Cards)
- OAR 259-061-0080 (References)
- OAR 259-061-0090 (Review of Application Materials).

Rules 259-061-0030, 0050, 0055, 0060, 0070, 0080 and 0090 will be repealed.

The following revised language for OAR 259-061-0020 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-061-0020

~~Initial and Renewal Applications~~ Application for Private Investigator Licensure

(1) All applicants for licensure must meet all minimum standards for licensure as described in OAR 259-061-0040.

~~(1) Applications must be submitted on Department approved forms pursuant to ORS 703.425. All applicants must disclose on the initial application information required by ORS 703.425, including:~~

~~(a) Social Security Number;~~

~~(b) Home Address and Telephone Number;~~

~~(c) Business Address and Telephone Number;~~

~~(d) Place of Birth;~~

~~(e) Any license, certification or registration. Including:~~

~~(A) The title or type of such license, certification or registration;~~

~~(B) The location of the agency issuing such license, certification, or registration;~~

~~(C) The license, certification or registration number issued;~~

~~(D) The dates such license, certification or registration was held; and~~

~~(E) All information regarding any revoked license, certification or registration.~~

(2) Applications for new licensure as a private investigator must include:

(a) A completed Form **PI-1 (Application for Licensure as a Private Investigator);**

(b) A completed fingerprint packet. A fingerprint packet must include a pre-printed FBI fingerprint card and a Form PS-4 (Affidavit of Person Rolling Fingerprints) completed by the person rolling or scanning the fingerprints. The card and form must be enclosed in a tamper-proof bag and sealed by the person who rolled the fingerprints before the packet is returned to the applicant. The Department will supply pre-printed FBI fingerprint cards and tamper-proof bags;

(A) The Department will only accept fingerprint cards correctly rolled and completed by private or public safety personnel trained to roll fingerprints, or a person who is employed and trained by a private business that provides fingerprinting services.

(B) If a fingerprint card is rejected twice by the Federal Bureau of Investigation (FBI), the applicant will be charged a fee for a third submittal of a fingerprint card.

(c) Proof of a corporate surety bond, an irrevocable letter of credit issued by an Oregon commercial bank as defined in ORS 706.008, or errors and omission insurance in the amount of at least \$5,000;

(A) Bonds and letters of credit must have the applicant's name listed as the principal.

(B) Proof of surety bonds must be submitted on a Department-approved form and will not be valid for the purposes of licensure unless filed with the Department within 60 days of the signature on the bond.

(C) An irrevocable letter of credit submitted to the Department is subject to approval by the Department prior to the issuance of a license.

(d) Two identical, passport-quality photographs for identification;

(A) Photographs must be in color with a solid-colored background and must be a cropped head shot. The applicant's face must be clearly visible and free from shadows or other obstacles.

(B) The applicant's head in the photograph must no be more than 1" wide and 1.25" high.

(C) Photographs must have been taken not more than six months prior to filing of the application for licensure.

(D) Photographs may be submitted to the Department digitally in the format prescribed on the Form PI-1.

(e) A completed Form PI-XX (Private Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(f) Non-refundable application fees as prescribed by OAR 259-061-0010.

(3) Applications for renewing licensure as a private investigator must include:

(a) A Form PI-XX (Private Investigator Renewal Application) completed in its entirety;

(b) A completed Form PI-XX (Private Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(c) Nonrefundable renewal application fees as prescribed by OAR 259-061-0010.

~~(2) All applicants must disclose on the initial and renewal application any information requested, including:~~

~~(a) A statement listing all offenses of which the applicant has been convicted;~~

~~(b) A statement that the applicant is not required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597.~~

~~(c) A statement affirming the truth of all information contained in the application;~~

~~(d) A statement listing all complaints, lawsuits, arbitration, mediation, or disciplinary actions regarding investigative activities; and~~

~~(e) A statement listing all claims filed against the investigator's surety bond, credit, or insurance.~~

(4) Timelines.

(a) A completed application packet must be mailed to the Department and postmarked prior to the applicant performing any private investigator services.

(b) Renewal application documents must be received by the Department within 90 days prior to the expiration date of the licensure to allow for processing of the forms and criminal history check.

(c) A late submission fee will be assessed as prescribed by OAR 259-061-0010 if reapplying after the license expiration date of the licensure.

(d) Applicants renewing their licensure more than 30 days after the expiration date of the original license must submit a new application packet in accordance with subsection (2) of this rule.

(6) Applicants for licensure who were previously licensed in Oregon must provide proof of completion of continuing education requirements or a written explanation detailing why continuing education requirements were not met and a written plan detailing how the continuing education will be made up, including a time line. The Department, at its discretion, may accept the plan in place of completed continuing education.

~~(3) Submission of any false information in connection with an application, supporting documentation or attachments for a license or registration may be grounds for discipline, criminal penalty, or civil penalty.~~

~~(4) Renewal applications, renewal fees, and support documentation should be received, at a minimum, two weeks prior to, but not more than ninety days prior to, a licensee's expiration date to allow for processing time.~~

(8) The Department may administratively terminate, upon written notification to the applicant, the application process if the Department for any of the following reasons:

(a) The Department has reason to believe that the applicant has committed an act that constitutes ground for denial of a license as described in OAR 259-061-0300. The termination of an application due to criminal conviction disqualification is subject to the contested case procedures set for in OAR 259-061-0300;

Appendix H

Department of Public Safety Standards and Training

Memo

Date: August 21, 2012

To: Private Security and Investigator Policy Committee

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAR 259-061-0010 & 259-061-0015 – Proposed Rules
Private Investigator Fees

Background: DPSST is given statutory authority to prescribe and collect fees not to exceed to cost of administering the Private Investigator program [ORS Chapter 703.401-703.480]. The administrative rule has been updated to include current fee amounts for application, issuance of licensure, renewal, temporary licensure and inactivation/reactivation of licensure. Currently, there is no fee charged for the issuance of interim licenses, although the Department has specific statutory authority to set one [ORS 703-430(2)(D)].

The information contained in OAR 259-061-0015 (Payment of Fees) has been added into OAR 259-061-0010 (Fees) for readability and consistency. OAR 259-061-0015 will be repealed.

The following revised language for OAR 259-061-0010 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-061-0010

Fees

(1) Payments to the Department are due at the time of application. All payments are non-refundable and must be paid by business check, money order, cashier's check or credit card. No personal checks or cash will be accepted.

~~For the purpose of administering the licensing program under ORS Chapter 703.401 through 703.995, appropriate fees shall be submitted to the Department, by applicants for licensure for each of the following categories:~~

(2) The Department will charge the following fees:

~~(1 a) Application: The fee of \$79 for the application for licensure as a private investigator. This fee includes the cost of a criminal background check and private investigator examination;~~

~~(a) Private Investigator;~~

~~(b) Provisional Investigator.~~

~~(2 b) Licensing: The fee of \$550 for the issuance of a two-year license as a private investigator;~~

~~(a) Private Investigator;~~

~~(b) Provisional Investigator;~~

~~(c) Inactive License; The fee of \$50 for application of inactive status as described in OAR 259-061-XXXX;~~

~~(d) The fee of \$50 for application of reactivation from inactive status as described in OAR 259-061-XXXX;~~

~~(d e) Temporary License; The fee of \$125 for the issuance of a temporary license as private investigator;~~

~~(e) Interim License.~~

~~(3 f) Renewal of Licenses: The fee of \$550 for the renewal of a two-year private investigator license;~~

~~(a) Private Investigator;~~

~~(b) Provisional Investigator;~~

~~(g) A late submission fee of \$25 will be added to the fees for licensure renewal if the private investigator fails to complete the application process by the expiration date of the license;and~~

~~(4) Issuance of Identification cards.~~

~~(5 h) Replacement of Card/License. The fee of \$20 for the issuance of a duplicate or replacement card or license.~~

~~(6) Late Renewal of License.~~

~~(3) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.~~

The following revised language for OAR 259-061-0015 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-061-0015

Payment of Fees

~~Fees are due at the time of application. Payments to the department are non-refundable, and must be paid by business check, money order, cashier's check or credit card. A current fee schedule for the private investigator licensing program may be obtained from the department.~~

NOTE: ~~Make all checks payable to DPSST.~~

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-061-0010 as a proposed rule and the proposed repeal of OAR 259-061-0015 with the Secretary of State.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-061-0010 as a permanent rule if no comments are received and permanently repealing OAR 259-061-0015 with the Secretary of State.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.