

259-060-0005

Objectives

(1) The objectives of the Board's and Department's rules on private security standards and certification are to improve the private security industry services in Oregon by raising the level of competence of private security personnel, individually and collectively. This is accomplished by:

(a) Establishing and maintaining minimum standards and qualifications for the training, certification and licensure of private security providers;

(b) Establishing and maintaining minimum standards and qualifications for all training courses and testing required of private security providers; and

(c) Maintaining uniform compliance with all provisions of the Private Security Service Providers Act found in ORS 181.870 through 181.991, including the use of criminal records checks utilizing computerized criminal history information, fingerprint comparisons, and fact-finding investigations.

(2) The scope of authority between the Board and the Department as it relates to joint rulemaking is the same as ORS 181.640(4)(5)(6).

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.875, 181.878 & 181.880

259-060-0010

Definitions

(1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.

(2) "Alarm Monitor" means an individual whose primary duties are the processing of alarms in an Alarm Monitoring Facility.

(3) "Alarm Monitoring Facility" means any organization, contract or proprietary, with the primary responsibility of reviewing incoming traffic transmitted to alarm receiving equipment and follows up with actions that may include notification of public agencies to address imminent threats related to public safety. This does not include:

(a) Facilities that monitor only production or environmental signals not directly impacting public safety;

(b) Proprietary alarm systems being monitored by Department-certified private security professionals that generate an internal response by another Department-certified private security professional;

- (c) Facilities that monitor Personal Emergency Response Systems (PERS) only; or
- (d) Facilities utilizing alarms that never generate a response from a public safety agency.
- (4) "Applicant" means an individual who is applying for or renewing certification or licensure as a private security provider.
- (5) "Armed Private Security Professional" means a private security professional who is in possession of a firearm at any time while performing duties as a private security professional.
- (6) "Assessment Module" means a Department-approved curriculum given to private security providers that includes, but is not limited to, the demonstration of task-related skills learned in the classroom instruction as applied to hypothetical situations.
- (7) "Board" means the Board on Public Safety Standards and Training.
- (8) "Certification" means recognition by the Department that a private security professional meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.
- (9) "Denial" or "Deny" means the Department's refusal to grant private security certification or issue a license to an applicant who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300.
- (10) "Department" and "DPSST" means the Department of Public Safety Standards and Training.
- (11) "Director" means the Director of the Department of Public Safety Standards and Training.
- (12) "Direct Supervision" means actively monitoring work by the ongoing and uninterrupted presence of a certified private security professional, or a licensed executive or supervisory manager.
- (13) "Employer" means an individual or entity who employs persons to provide private security services.
- (14) "Executive Manager" means a person:
 - (a) Who is authorized to act on behalf of the company or business in matters of licensure and certification;
 - (b) Who is authorized to hire and terminate personnel;
 - (c) Whose primary responsibility is the management of certified private security professionals; and
 - (d) Who has final responsibility for a company's or business's compliance with ORS 181.870- to 181.991.

(15) "Flagrant Violation" means an act by a provider, contractor, owner or manager who, after being notified of a violation, intentionally continues or repeats the violation within a 36 month period after the initial violation.

(16) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.

(17) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.

(18) "License" means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the requirements adopted by the Board as necessary to provide private security services.

(19) "Policy Committee" means the Private Security and Investigator Policy Committee.

(20) "Primary Responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(21) "Private" as used in ORS 181.870-181.887 means those activities intended for, or restricted to, the use of a particular person, group or interest; or belonging to or concerning an individual person, company or interest.

(22) "Private Security Professional" means an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing the private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

(23) "Private Security Provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

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

(a) Observing and reporting of any unlawful activity;

(b) Preventing or detecting theft or misappropriation of 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;

(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.

(25) "Private Security Services Providers Act" or "The Act" means the Private Security Providers Act (ORS Chapter 181.870 through 181.991.)

(26) "Revocation" or "Revoke" means action taken by the Department to rescind the certification or licensure of a private security provider who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300.

(27) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals.

(28) "Surrender" means the voluntary relinquishment of private security certification or licensure to the Department.

(29) "Suspension" or "Suspend" means action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes the individual to provide private security services.

(30) "Temporary Work Permit" means a temporary certification or licensure issued by the employer to allow a company to employ and deploy a private security professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed security applicants.

(31) "Unarmed Private Security Professional" means a private security professional who is not in possession of, or has access to, a firearm at any time while performing private security services.

(32) "Violation" means an act or omission that is prohibited under the Act or these rules.

Stat. Auth.: ORS 181.870 & 181.878

Stats. Implemented: ORS 181.870 & 181.878

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 Providers Act and these rules.

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

(3) Private security providers are prohibited from:

(a) Providing private security services as a private security professional without having a certificate or license issued under the Act and these rules in the person's possession;

(b) Carrying a concealed weapon while providing security services unless currently certified as an armed private security professional and licensed under ORS 166.291; or

(c) Providing training to private security professionals or applicants unless currently certified as an instructor.

(4) For the purposes of these administrative rules, these prohibitions apply to any business, employer or entity that provides private security services within this state regardless of whether the business, employer or entity is located in this state.

(5) Change of Information.

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address using the Form PS-23 (Private Security Services Provider Change of Information.)

(b) Executive managers may use the Form PS-23 to advise the Department of terminations of employment.

(6) Notification of Arrest. Pursuant to ORS 181.885, any private security provider or applicant who is charged with a crime must notify their employer or, if not employed, the Department no later than 48 hours after the charge is filed.

(a) The initial notification may be made by telephone or with a Recent Arrest Form.

(b) The Department may request immediate written notification documenting specific charges, the county and state where any charges are pending, the investigating agency, and the date of the arrest.

(7) Should any certified armed private security provider become ineligible to purchase, own or possess a firearm, the provider and the manager, employer or supervisor of the provider must notify the Department in writing within 48 hours of the circumstances causing the ineligibility. The notification must list all facts known and must identify a person whom the Department may contact for additional information.

Stat. Auth.: ORS 181.873, 181.871 & 181.878

Stats. Implemented: ORS 181.873, 181.871 & 181.878

259-060-0020

Minimum Standards for Certification or Licensure

(1) Age. Private security providers must be:

(a) At least 18 years of age to be certified as an unarmed private security professional or licensed supervisory manager; and

(b) At least 21 years of age to be certified as an armed private security professional or instructor or be licensed as an executive manager.

(2) Education.

(a) Applicants for certification or licensure must provide documentary evidence of one of the following:

(A) A high school diploma;

(B) Successful completion of the General Education Development (GED) test; or

(C) Other documentation verifying a high school education or GED, which may be accepted at the discretion of the Department.

(b) Evidence of the above will consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted at the discretion of the Department.

(c) Individuals who were certified or licensed on or before November 1, 2012 are exempt from the education requirements identified in subsection (2)(a).

(3) Training. An applicant for certification or licensing must satisfactorily complete the applicable training requirements prescribed by these rules.

(4) Moral Fitness. All private security providers must be of good moral fitness as determined by a criminal background check, department investigation or other reliable sources.

(a) Lack of good moral fitness includes, but is not limited to, mandatory and discretionary disqualifying misconduct as described in OAR 259-060-0300.

(b) For the purposes of this standard, the Department, through the Policy Committee and the Board, has defined core values that are integral to the private security profession. These values are:

(A) Honesty. Honesty includes integrity, credibility, acting honorably and maintaining confidences;

(B) Character. Good character includes being respectful and courteous, being faithful, diligent and loyal to the employer's charge, using discretion, demonstrating compassion and exhibiting courage;

(C) Fair Treatment of Others. Fair treatment of others includes treating others equitably, demonstrating good judgment and not being discriminatory;

(D) Public Trust. Public trust includes maintaining public confidences, being law-abiding and adhering to recognized industry standards; and

(E) Respect for the laws of this state and nation.

(5) Minimum Standards for Armed Certification.

(a) An applicant for certification as an armed private security professional or firearms instructor must not:

(b) Have been committed to the Mental Health and Development Disability Services Division under ORS 426.130, or similar order in another jurisdiction;

(c) Have been found to be mentally ill and subject to an order under ORS 426.130 prohibiting the person from purchasing or possessing a firearm as a result of that mental illness;

(d) Be prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(e) Be prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

Stat. Auth.: ORS 181.875, 181.878 & 181.883

Stats. Implemented: ORS 181.875 & 181.878

OAR 259-060-0025

Application for Certification and Licensure

(1) An applicant must meet all minimum standards for the certification or license being applied for as described in OAR 259-060-0020.

(2) Application Packet and Fees.

(a) The application packet for new certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1 (Application for Licensure or Certification of Private Security Services Provider);

(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.

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

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

(C) The original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);

(E) If currently employed, an original, completed Form PS-20 (Private Security Services Provider Temporary Work Permit). Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(F) A completed Form PS-27 (Private Security Professional Code of Ethics) affirming moral fitness and professional standards;

(G) All applicants for instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and

(H) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500.

(b) The application packet for renewing certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-21 (Application for Renewal of Private Security Certification/Licensure);

(B) A completed Form PS-27 affirming moral fitness and professional standards;

(C) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) All applicants for renewal of instructor certification must submit a Form PS-8 (Continuing Education Form); and

(E) Nonrefundable renewal certification or licensure fees as prescribed by OAR 259-060-0500;

(c) The application packet for adding certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) If currently employed, an original, completed Form PS-20. Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(D) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(E) Individuals applying to add private security instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135.

(F) Individuals currently certified as an unarmed private security provider applying to add armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(d) The application packet for upgrading from unarmed private security professional to an armed private security professional must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(D) Individuals currently certified as an unarmed private security provider applying to upgrade to armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(3) Timelines.

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

(b) Renewal application documents must be received by the Department within 180 days prior to the expiration date of the certification or licensure to allow for processing of the forms and criminal history check.

(c) If a renewal applicant is currently employed and submits a renewal application packet less than 30 days prior to the expiration of certification or licensure, the submission of a Form PS-20

is required to continue providing private security services while the application packet is being processed.

(d) A late submission penalty will be assessed as prescribed in OAR 259-060-0500 if reapplying after the expiration date of the certification or licensure.

(e) Applicants renewing their certification or licensure more than four years after the expiration date of the certification or licensure must submit a new application packet in accordance with subsection (2)(a) of this rule.

(4) The Department may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance, or upon the discovery of disqualifying criminal convictions or any violation of the temporary work permit provisions, the Act or these rules.

(a) Once the application process has been administratively terminated, the applicant may not perform private security services.

(b) To re-apply, applicants will be required to re-submit an application packet with all deficiencies corrected, including new fees and proof of valid training.

(5) A Notice of Deficiency will be issued to an applicant whose application packet is determined by the Department to be incomplete or insufficient. If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the application process will be administratively terminated.

(6) Any exception to the application process found in this rule must be approved by the Department.

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

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

259-060-0030

Temporary Assignments

(1) Temporary Work Permits. Employing, licensed managers may issue Temporary Work Permits to private security providers upon verification that all application requirements have been completed.

(a) Temporary work permits must be requested on a Form PS-20 (Temporary Work Permit). The Form PS-20 is a three-page document which requires an original signature on all three pages.

(A) The appropriate portion of the Form PS-20 must be mailed to the Department and must be postmarked on or before the first day the applicant performs private security services.

(B) The appropriate copy of the Form PS-20 must be retained by the employer and employee and kept on his person at all times while providing security services in the state of Oregon or while on duty.

(C) The employee's copy must be presented to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand or any other person upon reasonable request.

(b) Temporary Work Permits may be held for up to 120 days.

(c) Employing, licensed managers may only issue one Temporary Work Permit per employee. Subsequent Temporary Work Permits may be issued by contacting the Department and receiving approval.

(d) Upon request, an employing, licensed manager may replace a Temporary Work Permit that has been lost or destroyed.

(e) Temporary work permits may not be issued to armed private security professionals or instructors.

(f) Managers may self-issue a temporary work permit upon completion of all application requirements.

(g) The Department may, upon written notice, administratively terminate a Temporary Work Permit for the following reasons:

(A) The Department has reason to believe that a person with the applicant's name and birth date fails to meet the minimum moral fitness standards as described in OAR 259-060-0020 and 259-060-0300;

(B) An application is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant; or

(C) The holder of the Temporary Work Permit has violated any provisions of the Temporary Work Permit, the Act or these administrative rules.

(h) Upon notification from the Department that the Temporary Work Permit has been administratively terminated, the applicant may not perform private security services.

(i) A new application packet, including all required fees and proof of valid training, must be submitted as prescribed in OAR 259-060-0025 prior to the issuance of a new Temporary Work Permit.

(2) Reciprocity.

(a) As prescribed by ORS 181.873(2), an employing, licensed executive manager may temporarily assign a person who is not certified as a private security professional in the state of Oregon to perform private security services in this state for a period of time not to exceed 90 days if:

(A) The person is employed in another state;

(B) The person holds a private security professional's certification or license from another state; and

(C) The certification or licensing standards of the other state meet or exceed the standards of this state.

(b) Reciprocity must be requested on a Form PS-9 (Private Security Waiver for Reciprocity.) The Form PS-9 is a triplicate form.

(A) The appropriate portion of the Form PS-9 must be mailed to the Department and must be postmarked on or before the first day the applicant performs private security services.

(B) The appropriate copy of the Form PS-9 must be retained by the employer and employee and kept on his person at all times while providing security services in the state of Oregon or while on duty.

(C) The employee's copy must be presented to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand or any other person upon reasonable request.

(c) Only one Form PS-9 will be authorized per private security provider in a 24-month period. Additional Form PS-9's may be issued by contacting the Department and receiving approval prior to the issuance of the PS-9.

259-060-0060

Minimum Standards for Training

(1) All private security training courses and examinations will be based upon a curriculum approved by the Board.

(2) All required training and testing must be conducted by a certified private security instructor as defined in OAR 259-060-0010 or by a Department designee.

(3) All required firearms training must be administered by a certified private security firearms instructor.

(4) The Department will deliver orientation training to managers and instructors.

- (5) All training must be delivered in English and assessments and written exams must be completed in English, without assistance.
- (6) The Department website will provide names of instructors who have requested on a Department-approved form that their names be available to applicants.
- (7) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).
- (8) It is the responsibility of the applicant or private security provider to submit the original Form PS-6 to the Department upon completion of training as specified in these rules. The Form PS-6 must be signed by the certified instructor who administered the training and enclosed in a tamper-proof bag, sealed by the instructor.
- (9) To satisfy the training requirements for private security certification or licensure, training must be completed and submitted to the Department on a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) within 180 days of the training being completed.
- (10) Private Security Course Descriptions.
- (a) Basic Classroom Instruction. Basic classroom consists of live classroom instruction which may include use of a subject matter expert, audio and visual instruction. Instructors must provide individuals with a manual of the basic curriculum. Applicants must complete a closed-book written examination.
- (b) Assessment Module. The assessment module is a hands-on, practical exercise given to private security professionals that will reinforce the knowledge and techniques presented during classroom instruction. The module consists of evaluation and includes, but is not limited to, scenarios requiring application of task-related skills learned in the basic classroom instruction.
- (c) Basic Firearms Training. Basic Firearms training must include:
- (A) A minimum of 24 hours of instruction and an open-book written examination covering firearms instruction materials;
- (B) A safe gun handling test; and
- (C) A marksmanship qualification using firearms qualification standards and targets.
- (d) Instructor Course. The instructor course teaches curriculum, instructing techniques, and Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Training must be delivered by the Department or designee. Instructor applicants must use a Board-approved manual to review the training in a self-study environment; and
- (e) Manager Course. The manager course trains on Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Private

security manager applicants must use a Board-approved manual to review the training in a self-study environment.

(11) Private Security Certification and Licensure Maintenance Course Descriptions.

(a) Annual Firearms Marksmanship Requalification and Refresher Course includes an annual firearms marksmanship requalification and the annual armed 4-hour classroom refresher course and closed-book written examination.

(b) Biennial Refresher Training includes four hours of biennial refresher training related to the current level of certification and in accordance with OAR 259-060-0120, 259-060-0130, and 259-060-0135.

(c) Annual Firearms Instructor Marksmanship Qualification includes an annual firearms marksmanship requalification.

(12) Applicants must achieve a score of 100 percent on all examinations and assessments with remediation in accordance with OAR 259-060-135(8).

(13) All private security providers who have previously been certified or licensed by the Department as a private security provider whose certification or licensure has been expired for over four years from must reapply and complete all required training again in accordance with OAR 259-060-0025(2)(a).

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

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

259-060-0090

Challenge of Alarm Monitor Classroom Instruction and Assessment Module

(1) At the discretion of the Department, an applicant for alarm monitor supervisory manager licensure, alarm monitor executive manager licensure, or alarm monitor instructor certification employed outside the state of Oregon may challenge the basic classroom instruction training requirement described in these rules if the person has three or more years experience in the field of alarm monitoring.

(a) The applicant will only be given one opportunity to challenge the basic classroom instruction course by successfully completing the required written examination administered by the Department or designee in accordance with these rules.

(b) Failure to obtain a passing score on the challenged examination will require attendance at a basic classroom instruction course and successful completion of the examination.

(c) Upon a successful challenge of the classroom instruction, each applicant will receive a private security professional manual, containing the basic classroom instruction curriculum, to serve as a resource for the challenging applicant.

(2) The Department may waive the assessment module training requirement for alarm monitor instructor certification for applicants with three or more years experience instructing in the field of alarm monitoring.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

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) Applications 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 a Notice of Deficiency.

(a) The provider must correct deficiencies and resubmit all required information in accordance with subsection (1) of this rule to reapply.

(b) If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the request for accreditation will be administratively terminated.

(3) Upon approval of an application, a written accreditation agreement will be prepared. This agreement will not be valid until signed by the Department, the security service provider's executive manager, and the designated accreditation program manager who is responsible for the administration of the accredited program.

(4) The accreditation agreement must be renewed every two years in accordance with subsection (1) of this rule.

(5) Certified private security instructors must administer the delivery and instruction of the accredited curriculum in accordance with OAR 259-060-0135.

(6) The Department may conduct periodic reviews of an accredited program at its discretion or upon constituent request.

(a) The review may consist of physical audits, written questionnaires, and the monitoring of training and testing processes during the delivery of accredited portions of a training program.

(b) During a review, the Department will, within a reasonable amount of time, be given access to personnel training records to verify training received under an accredited program.

(7) An accreditation agreement may be terminated for any of the following reasons:

(a) Any violation of the Act or these administrative rules;

(b) Failure to comply with the terms of the accreditation agreement; or

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

(8) The executive manager, on behalf of the private security company, business or entity, will have the right to appeal a proposed termination of an accreditation agreement. The appeal must be in writing and addressed to the Department.

(9) The Department may work with the company, business or entity to correct any violation and continue the accreditation agreement upon a finding of good cause.

(10) Individuals or private security companies, businesses or entities that use another company's, business's or entity's accredited training program must also enter into an accreditation agreement with the Department before using the accredited program.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

259-060-0120

Private Security Professional Certification and Responsibilities

(1) All private security professional applicants must complete an application in accordance with OAR 259-060-0025.

(2) All private security professionals must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020.

(3) Alarm Monitor Private Security Professional.

(a) A certified private security alarm monitor professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of alarm monitor basic classroom instruction and exam and a four-hour alarm monitor assessment.

(c) Biennial alarm monitor renewal training consists of a four-hour alarm monitor renewal course and exam. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

(4) Unarmed Private Security Professional.

(a) A certified unarmed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of unarmed basic classroom instruction and exam and a four-hour unarmed assessment.

(c) Biennial unarmed renewal training consists of a four-hour unarmed renewal course and exam. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

(5) Armed Private Security Professional.

(a) A certified armed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) In addition to the minimum standards for unarmed certification, armed professionals must also be in compliance with the firearms standards listed in OAR 259-060-0020.

(c) Basic training consists of successful completion of:

(A) Eight hours of unarmed basic classroom instruction, exam and four-hour unarmed assessment; and

(B) Basic firearms training as defined in OAR 259-060-0060 which consists of a minimum 24 hours of basic armed instruction, a written examination, safe gun handling test and marksmanship qualification.

(d) Armed annual refresher training consists of a minimum of four hours including the armed refresher course and exam and firearms marksmanship requalification. To satisfy the training requirements, armed annual refresher training must be completed no more than 180 days before the certification anniversary or expiration of the current certification.

(e) In addition to the annual refresher training, armed private security professionals must complete an unarmed renewal training biennially. Renewal training must be completed no more than 180 days before the expiration of the current certification.

(6) Department-accredited training may satisfy the training requirements listed above.

(7) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation of private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

259-060-0130

Private Security Executive Manager and Supervisory Manager Licensure and Responsibilities

- (1) All private security executive or supervisory manager applicants must complete an application in accordance with OAR 259-060-0025.
- (2) All private security executive or supervisory manager applicants must be in compliance with the minimum standards for licensure as listed in OAR 259-060-0020.
- (3) Private security executive managers are responsible for ensuring compliance of all private security providers employed by businesses or entities by which the executive manager is employed or contracted. An executive manager is authorized to perform the duties defined in OAR 259-060-0010.
- (4) Private security supervisory managers have the responsibility and authority of supervising persons providing security services. A supervisory manager is authorized to perform the duties defined in OAR 259-060-0010.
- (5) Basic training for executive and supervisory private security managers consists of successful completion of the following:
 - (a) Eight-hour basic classroom instruction and exam; and
 - (b) Manager course, exam and assessment module.
- (6) Biennial renewal training consists of the manager course, exam and assessment module.
- (7) Each business, employer or entity with private security professional staff of at least one person must designate an individual to perform the duties of an executive manager as described in these rules. This provision applies to any business, employer or entity that provides private security services within this state, regardless of whether the business, employer or entity is located in or out of this state.
 - (a) An employer may obtain licensure for more than one executive manager.
 - (b) In the event of a staff change of executive managers or supervisory managers, the company or entity must select a replacement manager and immediately notify the Department of the staff change on the Form PS-23 (Change of Information.)
- (8) Employing, licensed managers may issue temporary work permits to private security applicants upon verification that all application requirements have been completed.

(9) An executive manager is authorized to contract with businesses or entities to provide services as an executive manager.

(a) An executive manager is required to notify the Department in writing of the names, addresses and contact information of each business or entity with which they contract within two days of beginning the contract.

(b) An executive manager must notify the Department within two days of the termination or completion of a contract with a business or entity.

(10) A licensed manager who performs private security services must complete the full training required for that classification and be certified.

(11) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation of private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

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

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

259-060-0135

Private Security Instructor Certification and Responsibilities

(1) The Department will certify instructors deemed qualified to instruct any required private security professional training courses.

(2) All private security instructor applicants must complete an application in accordance with OAR 259-060-0025.

(3) All private security instructor applicants must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020. In addition, applicants must:

(a) Have a minimum three years of work experience in private security services, military police, or law enforcement fields; and

(b) Applicants for certification as a firearms private security instructor must be in compliance with the firearms standards listed in OAR 259-060-0020.

(4) Private security instructors are authorized to instruct and deliver private security professional courses based on the approved or accredited private security professional course content and materials provided by the Department.

(a) Private security instructors must remediate or fail applicants as necessary.

(b) Private security instructors must provide all applicants with appropriate training manuals.

(c) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(d) Only private security firearms instructors are authorized to instruct and administer basic and renewal firearms training.

(e) All private security instructors must instruct courses in a manner that is consistent with the minimum requirements of the Department, including safety provisions. Training facilities must be an environment conducive to learning.

(5) Alarm monitor private security instructor.

(a) Basic training consists of the successful completion of:

(A) Alarm monitor basic classroom instruction and exam;

(B) Alarm monitor assessment; and

(C) Alarm monitor private security instructor course.

(b) Biennial alarm monitor private security instructor renewal training consists of the successful completion of:

(A) Alarm monitor private security instructor course; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.

(6) Unarmed private security instructor.

(a) Basic training consists of the successful completion of:

(A) Unarmed basic classroom instruction and exam;

(B) Unarmed assessment; and

(C) Unarmed private security instructor course and exam.

(b) Biennial unarmed private security instructor renewal training consists of the successful completion of:

(A) Unarmed private security instructor course and exam; and

(B) A minimum of eight hour of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.

(7) Firearms Private Security Instructor.

(a) Basic training consists of the successful completion of:

(A) Basic unarmed classroom instruction and exam;

(B) Basic unarmed assessment;

(C) Basic firearms training;

(D) Department-administered firearms private security instructor course and Department-approved marksmanship qualification; and

(E) Proof of successful completion of training from one or more of the following sources no more than five years prior to the time of application:

(i) The National Rifle Association Law Enforcement Firearms Instructor Development School;

(ii) A firearms instructor through the Federal Law Enforcement Training Center;

(iii) A Department-certified law enforcement or criminal justice firearms instructor course;

(iv) A firearms instructor through the Federal Bureau of Investigation;

(v) A private security firearms instructor through the Washington Criminal Justice Training Center; or

(vi) A qualified instructor certification or training course as determined by the Department.

(b) Firearms private security instructors must successfully complete annual firearms instructor marksmanship qualifications. Instructors must qualify on a target authorized by the Department, within three attempts in one day.

(c) Biennial renewal consists of successful completion of the firearms private security instructor course, written exam, and marksmanship qualifications.

(8) Certified private security instructors who simultaneously hold certification as a private security professional are exempt from the required private security professional renewal training if they deliver the basic curriculum of the discipline for which they are certified at least one time per year.

(9) Applicant Remediation/Failure. When an applicant fails to successfully complete any portion of the required training the instructor must remediate or fail the applicant as follows:

(a) If a test score is between 85 and 99 percent, the instructor must remediate the incorrect test responses by reviewing each incorrect test question with the applicant, explaining the principle behind the question, the correct answer, and the basis for the correct answer. The instructor must assess whether oral responses from the applicant indicate that the applicant understands the underlying principles. An inappropriate answer may result in the termination of training and

indication on the training affidavit that the applicant has failed to successfully complete the required training.

(b) If a test score is below 85 percent correct, the instructor must fail the applicant or require the applicant repeat the deficient section missed of the curriculum and retake the exam.

(c) The instructor may remediate and re-test an applicant who fails to score 100% on the firearms marksmanship qualification course. Re-qualification attempts are limited to three in a single session.

(d) An applicant who is unable to successfully achieve a training standard must be failed. Any instructor who fails an applicant must:

(A) Fully document the reason for failure;

(B) Retain documentation of failure in the instructor's file for a minimum period of two years; and

(C) Notify the Department within 48 hours of the failure by submitting a Form PS-6 indicating that an individual has failed.

(10) Instructors may terminate training if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior or other relevant factors. The instructor must immediately notify the applicant of the reason for termination of training and must also notify the Department within 48 hours in writing, using a Form PS-6.

(11) Training Records.

(a) Instructors must maintain the following documents in separate class files for a period of two years:

(A) A Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for each applicant;

(B) All written exams, assessments and any applicable qualification records;

(C) A training outline for the curriculum used, including any references to any resources used; and

(D) A class roster, including the name and address of each applicant.

(b) Upon successful completion of all requirements, the instructor must provide the applicant the accurately-completed, original Form PS-6, sealed in a tamper-proof bag. The instructor will also supply the applicant with a colored carbon copy of the Form PS-6.

(c) Instructors will provide additional copies of the Form PS-6 to applicants at any time during the life of their training at reasonable expense to the applicant.

(12) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation or private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

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

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

259-060-0145

Crowd Management, Event or Guest Services

(1) A person performing crowd management, event or guest services who is armed, permitted to initiate confrontational activities, hired with the primary responsibility of taking enforcement action as described in ORS 181.870(8)(f), or performing any other private security service must be certified or licensed as described in the Act and these rules.

(2) Crowd Management, Event Services, or Guest Service managers, contractors or companies who employ individuals to provide private security services must:

(a) Employ or contract with a licensed executive manager;

(b) Require individuals performing or expected to perform private security services obtain certification;

(c) Require all individuals who supervise certified private security professionals or crowd management, event or guest services staff to be licensed in accordance to OAR 259-060-0130;

(d) Provide one certified private security professional on-site for every 10 or fewer crowd management or event staff;

(e) Provide documentation confirming private security certifications, licenses and appropriate staffing ratio found in (1)(d) upon request; and

(f) Provide crowd management staff technological communication or visibility of a certified private security professional when action is needed as required in ORS 181.871.

(3) Pursuant to ORS 181.871, non-certified and non-licensed staff performing crowd management can only be used during a time when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours and post-event departure activities.

(4) Civil penalties may be assessed for violation of these rules in accordance with OAR 259-060-0450.

259-060-0300

Denial/Suspension/Revocation

(1) It is the responsibility of the Board, through the Private Security and Investigator Policy Committee, to set the standards, and of the Department to uphold them, to ensure the highest level of professionalism and discipline. The Board will uphold these standards at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(2) The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, upon a finding that the applicant or private security provider:

(a) Has been convicted of a person felony as defined by the Criminal Justice Commission in OAR 213-003-0001 or any crime with similar elements in any other jurisdiction;

(b) Is required to register as a sex offender under ORS 181.595, 181.596, 181.597 or 181.609; or

(c) Has, within a period of ten years prior to application or during certification or licensure, been convicted of the following:

(A) Any felony other than those described in subsection (a) above in this or any other jurisdiction;

(B) A person misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 or any crime with similar elements in any other jurisdiction;

(C) Any crime involving any act of domestic violence as defined in ORS 135.230 or any crime with similar elements in any other jurisdiction;

(D) Any misdemeanor or felony conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic, or dangerous drug in this or any other jurisdiction;

(E) Any misdemeanor arising from conduct while on duty as a private security provider; or

(F) Any of the following misdemeanors:

161.405(2)(d) (Attempt to Commit a Class C Felony or Unclassified Felony)

161.435(2)(d) (Solicitation of a Class C Felony)

161.450(2)(d) (Conspiracy to Commit a Class A misdemeanor)

162.075 (False Swearing)

162.085 (Unsworn Falsification)

162.145 (Escape III)

162.235 (Obstructing Governmental or Judicial Administration)

162.247 (Interfering with a Peace Officer)

162.295 (Tampering with Physical Evidence)

162.335 (Compounding a Felony)

162.365 (Criminal Impersonation)

162.369 (Possession of a False Law Enforcement Identification Card)

162.375 (Initiating a False Report)

162.385 (Giving False Information to Police Officer for a Citation or Arrest on a Warrant)

162.415 (Official Misconduct I)

163.435 (Contributing to the Sexual Delinquency of a Minor)

164.043 (Theft III)

164.045 (Theft II)

164.125 (Theft of Services)

164.140 (Criminal Possession of Rented or Leased Personal Property)

164.235 (Possession of Burglar's Tools)

164.255 (Criminal Trespass I)

164.265 (Criminal Trespass while in Possession of a Firearm)

164.335 (Reckless Burning)

164.354 (Criminal Mischief II)

164.369 (Interfering with Police Animal)

164.377(4) (Computer Crime)

165.007 (Forgery II)

165.055(4)(a) (Fraudulent Use of a Credit Card)

165.065 (Negotiating a Bad Check)

165.750 (Improper Use of Emergency Reporting System)

166.115 (Interfering with Public Transportation)

166.240 (Carrying of Concealed Weapons)

166.250 (Unlawful Possession of Firearms)

166.350 (Unlawful Possession of Armor Piercing Ammunition)

166.425 (Unlawful Purchase of Firearm)

167.007 (Prostitution)

167.062 (Sadomasochistic Abuse or Sexual Conduct in a Live Show)

167.075 (Exhibiting an Obscene Performance to a Minor)

167.080 (Displaying Obscene Material to Minors)

167.262 (Adult Using Minor in Commission of Controlled Substance Offense)

167.320 (Animal Abuse I)

167.330 (Animal Neglect I)

471.410 (Providing Liquor to a Person Under 21 or Intoxicated Person)

807.620 (Giving False Information to a Police Officer/Traffic)

811.540(3)(b) (Fleeing or Attempting to Elude Police Officer)

Any crime with similar elements in any other jurisdiction.

(3) Emergency Suspension Order: The Department may issue an emergency suspension order pursuant to OAR 137-003-0560 immediately suspending a private security provider's certification or licensure upon finding that a person has been charged with any of the mandatory disqualifying crimes listed in section (2) of this rule. The report may be in any form and from any source.

(a) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license or certificate.

(b) The sole purpose of the emergency suspension hearing will be to determine whether the individual was charged with a mandatory disqualifying crime. Upon showing that an individual was not charged with a mandatory disqualifying crime, the suspension of the individual's certification or licensure will be rescinded, otherwise the suspension will remain in effect until final disposition of the charges.

Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(4) The Department may deny or revoke the certification or licensure of any applicant or private security provider after written notice and hearing, upon finding that an applicant or private security provider:

(a) Fails to meet the minimum standards for certification or licensure as a private security provider as defined in OAR 259-060-0020;

(b) Has falsified any information submitted on the application for certification or licensure or any documents submitted to the Department pertaining to private security certification or licensure;

(c) Has violated any of the temporary assignment provisions of OAR 259-060-0120(1);

(d) Has failed to submit properly completed forms or documentation in a time frame as designated by the Department;

(e) Has failed to pay a civil penalty or fee imposed by the Department when due;

(f) Has failed to comply with any provisions found in the Act or these rules; or

(g) Lacks moral fitness. For the purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as:

(A) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;

(B) Lack of Good Character. Lack of good character includes, but is not limited to, failure to be faithful and loyal to the employer's charge and failure to use discretion and compassion;

(C) Mistreatment of Others. Mistreatment of others includes, but is not limited to, violating another person's rights and failure to respect others;

(D) Lack of Public Trust. Failure to maintain public trust and confidence includes, but is not limited to, acting in an unlawful manner or not adhering to recognized industry standards; or

(E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes a pattern of behavior which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure.

Procedure for Denial or Revocation of Certification or Licensure

(5) Scope of Revocation. Whenever the Department revokes the certification or licensure of a private security provider under the provisions of this rule, the revocation will encompass all private security certificates and licenses the Department has issued to that person.

(6) Denial and Revocation Procedure.

(a) Employer Request: When the employer of the private security provider requests that certification or licensure be denied or revoked, the employer must submit in writing to the Department the reason for the requested action and include all factual information supporting the request.

(b) Department Initiated Request: Upon receipt of factual written information from any source other than an employer, and pursuant to ORS 181.878, the Department may request that the Board deny, revoke or suspend the private security provider's certification or licensure.

(c) Department Staff Review:

(A) When the Department receives information, from any source, that a private security provider may not meet the established standards for Oregon private security providers, the Department will review the request and the supporting factual information to determine if a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules

(B) If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct, the case may be presented to the Board, through the Policy Committee. The Department will seek input from the affected private security provider by allowing the individual to provide, in writing, information for the Policy Committee and Board's review.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule based on discretionary disqualifying misconduct, the Policy Committee and Board will consider mitigating and aggravating circumstances.

(e) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification

under the Act or these administrative rules, the Department will prepare and serve a contested case notice on the private security provider.

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the private security provider prior to Board review. If the Board disapproves the Policy Committee's recommendation, the Department will withdraw the contested case notice.

(C) Applicants who choose to withdraw their application forfeit their application fees.

(f) Response Time:

(A) A party who has been served with an Emergency Suspension Order has 90 days from the date of mailing or personal service of the Order in which to file a written request for hearing with the Department.

(B) A party who has been served with a Contested Case Notice of Intent to Deny Certification or Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written request for hearing or a written request withdrawing their application from consideration with the Department.

(C) A party who has been served with a Contested Case Notice of Intent to Revoke Certification or Licensure has 20 days from the date of the mailing or personal service of the notice in which to file a written request for hearing with the Department.

(g) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(h) Final Order:

(A) A final order will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015 if a private security provider fails to file exceptions and arguments within 20 days of issuance of the proposed order.

(B) Department-proposed amendments to the proposed order in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order is issued.

(i) Stipulated Order Revoking Certification or Licensure: The Department may enter a stipulated order revoking certification or licensure of a private security provider upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification or license, or to surrender a certification or license, under the terms and conditions provided in the stipulated order.

Appeals, Ineligibility Period, and Reconsideration

(7) Appeal Procedure. Private security applicants and providers aggrieved by the findings and Order of the Department may file an appeal with the Court of Appeals from the Final Order of the Department, as provided in ORS 183.480.

(8) Notwithstanding section (9) of this rule, any private security applicant or provider whose certification or licensure is denied or revoked will be ineligible to hold any private security certification or licensure for a period of ten years from the date of the final order issued by the Department.

(9) Reconsideration Process. Any individual whose certification or license has been denied or revoked for discretionary grounds may apply for reconsideration of the denial or revocation after a minimum four-year ineligibility period from the date of the final order.

(a) All applicants for reconsideration are required to submit a new application packet along with a Form PS-XX Application for Reconsideration. The applicant may provide any mitigating information for the consideration of DPSST, Policy Committee, and Board.

(b) In reconsidering the application of an applicant whose certification or licensure was previously denied or revoked for discretionary grounds, DPSST, the Policy Committee and the Board may consider mitigating and aggravating circumstances.

(c) The Board's decision to deny an application for reconsideration will be subject to the contested case procedure described under subsection (6) of this rule.

(d) If an application for reconsideration is denied, the original ineligibility date remains in effect as described in subsection (8) of this rule.

[All referenced forms are available from the agency]

Stat. Auth.: ORS 181.878, 181.882 & 181.885

Stats. Implemented: ORS 181.878 & 181.885

259-060-0450

Compliance

(1) The Department may cause administrative proceedings or court action to be initiated to enforce compliance with the Act and these rules.

(2) Violations. The Department may find violation and recommend assessment of civil penalties upon finding that a private security provider, individual, business or entity has previously engaged in or is currently engaging in any of the following acts:

(a) Providing private security services without valid certification or licensure or Temporary Work Permit;

(b) The falsification of any documents submitted to the Department;

- (c) Failure to cease providing private security services upon issuance of a cease and desist order, expiration of certification or licensure, notice of termination, suspension, denial or revocation;
 - (d) Failure to report criminal charges as required in ORS 181.885;
 - (e) Providing training without a valid certification;
 - (f) Failure of a private security instructor to instruct the full Department-approved curriculum;
 - (g) Failure to terminate employment as a private security provider of an individual whose application has been terminated, or whose certification or licensure has been suspended, denied or revoked, upon notice from the Department to do so;
 - (h) Employing private security providers who have not completed the training and application process required under the Act and these rules;
 - (i) Failure to employ a licensed executive manager;
 - (j) Failure to provide technological communication or visibility of a certified security professional to crowd management staff;
 - (k) Failure to provide documentation of one certified security professional to ten crowd management staff;
 - (l) Expecting crowd management staff to perform security services duties other than the duties incidental to crowd management; or
 - (m) Any other violation of requirements of the Act or these rules.
- (3) The Department may issue a Demand to Examine Books and Records (DEBR) to obtain any record or document related to compliance.
- (a) The Department may cause inspection or audits of the records of any private security provider, business or entity. Records inspected may include any document relating to the requirements of the Act and these rules.
 - (b) Failure to cooperate or respond to any investigative inquiries or DEBR may result in issuance of a civil penalty as described in this rule and the revocation or denial of certification or licensure as described in OAR 259-060-0300.
- (4) The Department may issue a Cease and Desist Order when an individual, business or entity is not in compliance with these rules. The order requires the individual, business or entity to cease and desist providing private security services in the state of Oregon and will remain in effect until the individual, business or entity gains compliance.
- (5) Complaints and Allegations of Violations.

(a) All complaints or allegations of violations must be submitted on a Department-approved complaint form before an investigation can be initiated, unless the Department grants an exception. The Department may consider additional credible sources of information to determine non-compliance.

(b) A preliminary administrative review of the complaint or allegation will be conducted by the Department to ensure there is sufficient information to proceed. Staff may conduct a fact-finding preliminary investigation.

(A) If sufficient information is determined to support the complaint or allegation, the Department may open and conduct an investigation and gather relevant information.

(B) Private security providers, applicants, or other involved parties will respond to any questions or requests with 20 days after a request is mailed by the Department, unless an extension is requested and approved by the Department.

(6) Procedures for Proposing a Civil Penalty.

(a) The Department may issue an Allegation of Non-Compliance when there is a reason to believe a violation has occurred. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.

(b) The Department will issue a Notice of Violation upon discovery of violation as described in this rule. The Notice will include a statement of found violations and proposed sanctions. An individual, business or entity may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.

(c) The Department, through the Policy Committee and Board, will issue a Notice of Intent to Propose a Civil Penalty upon the failure to remedy a violation or request an extension within 10 days of the mailing of the Notice of Violation.

(A) The Department may extend the time to remedy a violation upon a showing of good cause.

(B) An individual, business or entity will be given the opportunity to provide mitigation to the Department.

(7) Hearing Request.

(a) If the Department issues a Notice of Intent to Propose Civil Penalty, an individual, business or entity is entitled to a contested case hearing in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(b) The Department must receive a request for hearing in writing within 20 days of the date the Notice of Intent to Propose Civil Penalty was served on the individual, business or entity.

(8) Default Order. If a timely request for a hearing is not received, the Notice of Intent to Impose a Civil Penalty will become a Final Order Imposing Civil Penalty.

(9) Resolution by Stipulation. The Department is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board or Director, if:

- (a) The matter is resolved before entry of a final order assessing penalty;
- (b) The respondent satisfies all terms set forth by the Department within the time allowed; and
- (c) Any stipulated penalty amount is received by the Department.

(10) Civil Penalty Amounts.

(a) Unarmed private security providers and alarm monitors will be charged a penalty of not less than \$250 for the first violation and a maximum of \$1,500 for each flagrant violation.

(b) Armed private security providers will be charged a penalty of not less than \$500 for the first violation and a maximum of \$1,500 for each flagrant violation.

(c) Private security instructors will be charged a penalty of not less than \$750 for the first violation and a maximum of \$1,500 for each flagrant violation.

(d) Private security managers, contract executive managers and business or entity owners that employ private security staff will be charged a penalty of not less than \$1,000 for the first violation and a maximum of \$1,500 for each flagrant violation.

(e) For the purposes of imposing civil penalties, each 30 day period in violation of the same statute or rule may be considered a separate violation by the Department.

(11) The Department may reduce or waive civil penalties from the amounts set in this rule in situations where further mitigation is warranted or the matter is resolved by stipulation at any time prior to the entry of a final order.

(12) Staff will recommend the full civil penalty amount for individuals, businesses or entities that fail to satisfy the terms as stipulated. The recommendation will be reviewed by the Policy Committee and Board.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

259-060-0500

License Fees

(1) Payments to the Department 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.

(2) The Department will charge the following fees:

- (a) The fee of \$65 for the issuance of each two-year certification as a private security professional.
- (b) Appropriate fees must be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by FBI. Current fee schedules for processing fingerprints may be obtained from the Department.
- (c) The fee of \$75 for the issuance of a two-year license as a supervisory manager.
- (d) The fee of \$250 for the issuance of a two-year license as an executive manager.
- (e) The fee of \$90 for the issuance of a two-year certification as a private security instructor.
- (f) The fee of \$20 for the issuance of each upgrade, duplicate or replacement card issued.
- (g) The late submission penalty fee of \$25 will be added to the fees for recertification if the provider fails to complete certification by the expiration date of the license or certificate.
- (h) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878