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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Department of Public Safety Standards and Training 259

Agency and Division Administrative Rules Chapter Number
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To become effective Upon filing, Rulemaking Notice was published in the September 2016 Oregon Bulletin.

RULE CAPTION

Removes requirements for fingerprints to be submitted enclosed in a tamper-proof bag with the PI-4.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

259-061-0020

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 703.480

Other Authority:

Statutes Implemented:

ORS 703.401, 703.405, 703.415, 703.425, 703.430, 703.435, 703.445, 703.447, 703.450, 703.460, 703.465, 703.470, 703.473, 703.480, 703.993 & 703.995

RULE SUMMARY

In July 2015, the Department of Public Safety Standards and Training established the ability for constituents to provide an electronic fingerprint submission to meet the requirements for licensure or certification. With the fingerprint submission process broadened to include submission of the fingerprints through a Department approved vendor of electronic fingerprint capture services, the need for submission of a fingerprint card and Form PI-4 (Affidavit of Person Rolling Fingerprints) in a sealed tamper-proof bag to the department was eliminated.

The rule changes for in OAR 259-061-0020 (Application for Private Investigator Licensure) remove the requirement to submit fingerprints enclosed in a tamper proof bag with a Form PI-4 (Affidavit of Person Rolling Fingerprints).

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259-061-0020

Application for Private Investigator Licensure

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

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

(a) A completed Form PI-1 (Application for Licensure);

(b) Fingerprints submitted to the Department on a standard applicant fingerprint card or through a Department approved vendor of electronic fingerprint capture services. The Department will supply pre-printed FBI fingerprint cards. If a fingerprint card is rejected twice by the Federal Bureau of Investigation (FBI), the applicant may 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) Errors and Omission insurance must have the applicant's name listed on the Certificate of Liability or include a letter from the employing agency or insurance company confirming the applicant is covered as an employee.

(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.

Photocopies will not be accepted.

(B) The applicant's head in the photograph must be no 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-27 (Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(f) Three professional letters of reference, none of which may be from a person who is related to the applicant by blood or marriage.

(g) Proof of a passing score on the Private Investigator Proficiency Exam administered by the Department.

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

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

(a) A Form PI-21 (Investigator Renewal Application) completed in its entirety;

(b) A completed Form PI-6 (Continuing Education Summary.)

(c) Two identical, passport-quality photographs for identification in accordance with subsection (2)(d) of this rule.

(d) A completed Form PI-27 (Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(e) 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 in accordance with this rule; and

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

(4) Timelines.

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

(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 the following:

(A) A new application packet in accordance with subsection (2) of this rule; and

(B) A Form PI-6.

(5) 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.

(6) 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.

(7) The Department may administratively terminate the application process, upon written notification to the applicant, 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 259-061-0040. The termination of an application due to criminal conviction disqualification is subject to the contested case procedures set forth in 259-061-0300;

(b) The application or any required documentation is incomplete or the Department is unable to satisfactorily verify application information due to non-response or non-compliance of the application;

(c) The fingerprint cards of an applicant have been rejected and returned by the Oregon State Police or Federal Bureau of Investigation;

(8) The Department may administratively terminate the application process after exhausting the following efforts:

(a) A letter will be mailed by the Department to the applicant at the last known mailing address identifying the deficiencies in the application process. The applicant will have 21 calendar days from the date of the mailing to notify the Department that the deficiencies are corrected. The Department may extend the time for compliance upon good cause shown by the applicant.

(b) If the Department is unable to determine a current address for the application, or if the applicant does not respond and correct the deficiencies within 21 calendar days, or such additional time authorized by the Department, the Department will list the applicant's status as

“administratively terminated.” The Department will notify the applicant at the last known address that the Department has administratively terminated the application process.

(c) Once the application process has been administratively terminated, the applicant must reapply by submitting a new completed application packet with all deficiencies corrected, including new fees and proof of valid training.

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

Stat. Auth.: ORS 703.480

Stats. Implemented: ORS 703.401, 703.405, 703.415, 703.425, 703.430, 703.435, 703.445, 703.447, 703.450, 703.460, 703.465, 703.470, 703.473, 703.480, 703.993 & 703.995