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RULES:

259-060-0005, 259-060-0010, 259-060-0015, 259-060-0020, 259-060-0025, 259-060-0030, 259-060-0092, 259-060-0120, 259-060-0135, 259-060-0136, 259-060-0145, 259-060-0200, 259-060-0300, 259-060-0310, 259-060-0320, 259-060-0350, 259-060-0450

AMEND: 259-060-0005

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0005 correct references to the ORS cited in section (1)(c).

CHANGES TO RULE:

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 181A.8740 through 181.994A.895 and 181A.995, 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)A.870.

Statutory/Other Authority: ORS 181A.8780

Statutes/Other Implemented: ORS 181A.8750, ORS 181A.878, 181.8805

AMEND: 259-060-0010

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0010 provide clarifying language, add the definition for "private security entity" (HB2527), and change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

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 Private Security Professional" means a private security professional certified to monitor or process 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 following 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 certified private security professionals that generate an internal response by another certified private security professional;¶¶
 - (c) Facilities that monitor Personal Emergency Response Systems (PERS) only;¶¶
 - (d) Facilities utilizing alarms that never generate a response from a public safety agency; or¶¶
 - (e) Facilities, whose alarm monitors are not required to be certified in Oregon, providing temporary assistance to an alarm monitoring facility, whose alarm monitors are certified by DPSST, when alarm monitoring services are required to be rerouted due to an unexpected facility outage or an emergency.¶¶
- (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 certified to provide private security services and may possess or have access to a firearm at any time while performing private security services.¶¶
- (6) "Assessments" 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" or "Certified" means recognition by the Department that a private security professional meets all the qualifications listed in ORS 181A.855 and these rules.¶¶
- (9) "Confrontational Activity" means the exertion of physical control by detaining individuals.¶¶
- (10) "Consideration" means something of value promised, given or done that has the effect of making an agreement to provide private security services.¶¶
- (11) "Criminal Disposition" includes a conviction, violation, adjudication, civil compromise, an entered plea of guilty or no contest, or a finding of guilty except for insanity or its equivalent, for any violation of a criminal law in this state or any other jurisdiction.¶¶
- (12) "Crowd Management or Guest Services" means duties performed during an organized event, including pre-event assembly and post-event departure activities relating to the organized event that involve:¶¶
 - (a) Directing people attending an organized event;¶¶
 - (b) Allowing entry into or exit out of an organized event or any area within the established confines of an organized event that requires authorized access; or¶¶
 - (c) Screening individuals for entry into an organized event. Screening does not include physical pat-down searches.¶¶
- (13) "De Minimis" means non-monetary compensation received by a volunteer performing private security services for a non-profit organization as defined in ORS 181A.845. The compensation may not exceed a fair market value of \$125 per day.¶¶
- (14) "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, OAR 259-060-0310 and OAR 259-060-0320.¶¶
- (15) "Department" and "DPSST" means the Department of Public Safety Standards and Training.¶¶

- (16) "Director" means the Director of the Department of Public Safety Standards and Training.¶
- (17) "Employer" means:¶
- (a) An individual who employs persons to provide private security services;¶
 - (b) An owner or owners of a business or entity that provides private security services; or¶
 - (c) An owner or owners of a business or entity who employs persons to provide private security services.¶
- (18) "Event and Entertainment Private Security Professional" means a private security professional who is certified to provide private security services solely for event or entertainment businesses or venues.¶
- (19) "Event or Entertainment Businesses or Venues" include, but are not limited to:¶
- (a) Bars, clubs or restaurants;¶
 - (b) Permanent event venues such as sports arenas, theaters or concert halls; or¶
 - (c) Temporary event venues or organized events such as fairs, festivals or parades.¶
- (20) "Executive Manager" means a person:¶
- (a) Who is authorized to act on behalf of a 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 the ORS 181A.840 to 181A.894.3.¶
- (21) "Flagrant Violation" means an act by a ~~provider, contractor, owner or manager~~ private security provider or employer who, after being notified of a violation, intentionally continues or repeats the violation within a 36 month period after the initial violation.¶
- (22) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.¶
- (23) "Incidental or Temporary Action" means reaction to an unexpected occurrence that requires immediate response and occurs without regularity or expectation. These actions are not primary responsibilities and are for brief periods of time.¶
- (24) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.¶
- (25) "Jurisdiction" means any tribunal with authority to render a criminal disposition, including but not limited to municipal, state, federal including military, tribal tribunals, and any tribunal outside the United States or a United States owned territory where a criminal offense must be proven beyond a reasonable doubt.¶
- (26) "License" or "Licensed" means recognition by the Department that an executive manager or supervisory manager meets the requirements listed in ORS 181A.855 and these rules.¶
- (27) "Organized Event" means a temporary gathering of a crowd for a planned occasion or activity that occurs in a defined location during a specific time. An organized event has an established border or boundary.¶
- (28) "Policy Committee" means the Private Security and Investigator Policy Committee.¶
- (29) "Premises" means:¶
- (a) Land or buildings considered as a property, regardless if permanent or temporary; or¶
 - (b) With respect to a licensee of the Oregon Liquor ~~Control~~ and Cannabis Commission (OLCC), a permanent place where an OLCC license is held regularly or a location where licensees can gather for a temporary amount of time.¶
- (30) "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.¶
- (31) "Private" as used in ~~the Act~~ references to private security within the PSSPA and OAR Chapter 259 Division 60 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.¶
- (32)(a) "Private security entity" means a person engaged in the business of providing private security that:¶
- (A) Employs private security providers; or¶
 - (B) Contracts or subcontracts with an existing licensed private security entity to provide private security services.¶
- (b) "Private security entity" does not include a special campus security provider commissioned under ORS 352.118 or a private security provider on a campus of an institution of higher education regulated under ORS 181A.972.¶
- (33) "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 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.¶
- (34) "Private Security Provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.¶
- (35) "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 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, with respect to a licensee of the Oregon Liquor Control and Cannabis 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 detecting unlawful devices or substances.¶
- (356) "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, OAR 259-060-0310 and OAR 259-060-0320.¶
- (367) "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.¶
- (378) "Surrender" means the voluntary relinquishment of private security certification or licensure to the Department.¶
- (389) "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.¶
- (3940) "Temporary Work Permit" means a temporary certification or licensure issued by an employing, licensed manager to ~~allow a company to employ and deploy~~ a private security professional, ~~or~~ executive or supervisory manager allowing the person to provide private security services while the application for certification or licensure is being processed.¶
- (401) "The ActPSSPA" means the Private Security Services Providers Act, ~~(ORS Chapter 181A.840 through 181A.895 and ORS 181A.995).~~¶
- (412) "Unarmed Private Security Professional" means a private security professional who is certified to provide private security services and who does not possess or have access to a firearm at any time while performing private security services.¶
- (423) "Violation" means an act or omission that is prohibited under the ~~ActPSSPA~~ or these rules.¶
- (434) "Withdraw" means action taken by the applicant or private security provider to remove an application from consideration.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.840, ORS 181A.870

AMEND: 259-060-0015

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0015 provide grammatical changes, amend references for the Private Security Services Providers Act from "the Act" to the "PSSPA," adjust language in recognition of private security entity requirements, and align section (7) of the rule with the statute that addresses being charged with a crime, ORS 181A.885.

CHANGES TO RULE:

259-060-0015

Private Security Provider Duties, Exemptions and Prohibited Acts ¶¶

(1) A person may not act as a private security provider unless that person is certified or licensed under the ~~Act~~PSSPA and these rules.¶¶

(a) Certified armed and unarmed private security professionals are not required to be certified as an event and entertainment private security professional in order to perform or provide private security services for an event or entertainment business or venue.¶¶

(b) An event and entertainment private security professional is not authorized to perform or provide private security services for any entity that is not an entertainment business or venue unless the individual is also certified, as appropriate, as an alarm monitor, armed or unarmed private security professional.¶¶

(c) A private security professional is not authorized to independently contract with businesses or entities to provide services as a private security professional unless the professional is also licensed as an executive manager.¶¶

(d) A supervisory manager is not authorized to independently contract with businesses or entities to provide services as a supervisory manager unless the supervisory manager is also licensed as an executive manager.¶¶

(2) Private security providers must have in their possession their DPSST issued certification, licensure, or temporary work permit (Form PS-20) while performing the functions of a private security provider and must be able to present their ~~license~~, certification, license, or temporary work permit to any DPSST staff member, law enforcement officer or Oregon Liquor ~~Control~~and Cannabis Commission agent upon demand, or any other person, upon reasonable request.¶¶

(3) Persons described in ORS 181A.845 are exempt from regulation as private security providers.¶¶

(a) The exemption found in ORS 181A.845(1)(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.¶¶

(b) The exemption found in ORS 181A.845(1)(k) applies to individuals performing crowd management or guest services inside the established confines of an organized event and who are not armed, permitted to initiate confrontational activities, or hired with the primary responsibility of taking enforcement action as described in ORS 181A.840(82)(f).¶¶

(c) The exemption found in ORS 181A.845(1)(c) includes individuals providing private security services through a contract or sub-contract for the federal government while the individual is performing the duties of the office or employment.¶¶

(4) Private security providers are prohibited from:¶¶

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

(b) Using the Department logo or their license or certification to represent themselves as an agent, authorizing representative or employee of the Department.¶¶

(5) For 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.¶¶

(6) Change of Information.¶¶

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address by using Form PS-23.¶¶

(b) Executive managers must notify the Department when a private security provider is hired and when the private security provider's employment status changes due to a resignation or termination. Submission of the Form PS-23 is required for terminations of employment where the private security provider may have violated the ~~Act~~PSSPA or these rules.¶¶

(c) Executive managers must submit a completed Form PS-24 within 48 hours of a change when:¶¶

(A) Beginning employment or entering a contract with an employer as an executive manager; and ¶
(B) Terminating employment or completing a contract for an employer as an executive manager; and. ¶
~~(C) When the ownership of the employing business or entity c~~Notification of Being Charged. ¶
~~(7) Notification of Arrest. d with a Crime. ¶~~

(a) Pursuant to ORS 181A.885, any private security provider or applicant who is charged with a crime must notify his or her employer or, if not employed, the Department no later than 48 hours after the charge is filed. ¶

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

(b) If an executive manager knows that an employee has been charged with a crime, the executive manager must notify the Department may request immediate written notification documenting specific of that fact no later than 48 hours after the executive manager acquired the knowledge. ¶

(c) The notification may be made by telephone or in writing. Notification must include the charges, the county and state where any the charges are pending, the investigating agency, and the date of arrest occurred, the date of the charges, the arresting agency, and the date of arrest. The Department may request additional documentation. ¶

(8) 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.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.845, ORS 181A.850, ORS 181A.870, ORS 181A.885

AMEND: 259-060-0020

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0020 provide a grammatical correction and remove language that unintentionally limited post-secondary education to degrees accredited in Oregon. DPSST also accepts degrees from accredited post-secondary colleges and universities located out of state.

CHANGES TO RULE:

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 alarm monitor, unarmed or event and entertainment private security professional or licensed as a supervisory manager; and¶¶

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

(2) Education.¶¶

(a) Applicants for certification or licensure must have earned one of the following:¶¶

(A) A high school diploma;¶¶

(B) A General Education Development (GED) certificate; or¶¶

(C) A two-year or four-year, post-secondary degree issued by an accredited degree-granting college or university recognized by the Oregon Higher Education Coordinating Commission under the provision of ORS 348.594(2).¶¶

(b) The Department may require documentary evidence of the above. Acceptable evidence consists of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted at the discretion of the Department.¶¶

(c) The requirement found in subsection (2)(a) applies only to individuals submitting an application for new certification or licensure as described in OAR 259-060-0025 on or after November 1, 2012.¶¶

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

(4) Moral Fitness. All applicants and private security providers must meet moral fitness standards for certification or licensure.¶¶

(a) Moral fitness is determined through a criminal records check, a Department investigation, or other reliable sources.¶¶

(b) Violations of moral fitness are defined in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320.¶¶

(5) Disclosure of Criminal Dispositions. An applicant for certification or licensure must disclose their criminal dispositions, including any juvenile adjudications.¶¶

(a) Any applicant with a juvenile adjudication must provide the Department with official records for the petition and any judgements issued in the adjudication.¶¶

(b) The Department may request that an applicant provide official records for any other criminal disposition.¶¶

(6) Legal Name. The Department requires use of the applicant's or private security provider's legal name as the name of record for all Department purposes. Any certification or license issued to the private security provider will display the legal name. When a private security provider legally changes their name they must report the legal name change to the Department within 14 calendar days of the change using Form PS-23 and provide a copy of proof of the name change.¶¶

(7) Minimum Standards for Armed Certification. An applicant for certification as an armed private security professional or firearms instructor must not:¶¶

(a) Have been committed to the Oregon Health Authority under ORS 426.130, or similar order in another jurisdiction;¶¶

(b) 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;¶¶

(c) 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¶¶

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

Statutory/Other Authority: ORS 181A.870, ORS 181A.855

Statutes/Other Implemented: ORS 181A.870, ORS 181A.855

AMEND: 259-060-0025

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0025, section (4), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

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;¶¶

(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, the applicant may be charged a fee for a third submittal of fingerprint cards;¶¶

(C) Proof of successful completion of the required training. Proof must be a completed Form PS-6 issued to the applicant by a certified private security instructor or a certificate of completion issued by the Department;¶¶

(D) A completed Form PS-7 (optional);¶¶

(E) If currently employed as an alarm monitor, unarmed or event and entertainment private security professional or an executive or supervisory manager, a completed Form PS-20;¶¶

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

(G) 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;¶¶

(B) Proof of successful completion of the required training. Proof must be a completed Form PS-6 issued to the applicant by a certified private security instructor or a certificate of completion issued by the Department;¶¶

(C) If renewing an instructor certification, a completed Form PS-8 with proof of completion or attendance for the reported continuing education. Proof can be in the form of a grade, certificate, transcript, minutes, attendance roster or training record. Other forms of proof may be accepted at the Department's discretion;¶¶

(D) If currently employed as an alarm monitor, unarmed or event and entertainment private security professional or an executive or supervisory manager and submitting the renewal packet less than 30 days prior to the expiration of certification or licensure, a completed Form PS-20; 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) Proof of successful completion of the required training. Proof must be a completed Form PS-6 issued to the applicant by a certified private security instructor or a certificate of completion issued by the Department;¶¶

(C) If currently employed and adding certification or licensure as an alarm monitor, unarmed or event and entertainment private security professional or an executive or supervisory manager, a completed Form PS-20;¶¶

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

(E) Individuals applying to add private security instructor certification must submit proof demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and¶¶

(F) Individuals currently certified as an unarmed private security professional applying to add armed private security professional certification must have in their possession a copy of the Form PS-6 and the Form PS-23 while performing the duties of an armed private security professional 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) Proof of successful completion of the required training. Proof must be a completed Form PS-6 issued to the applicant by a certified private security instructor or a certificate of completion issued by the Department;¶¶

- (C) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500; and¶
- (D) Individuals currently certified as an unarmed private security professional applying to upgrade to armed private security professional certification must have in their possession a copy of the Form PS-6 and the Form PS-23 while performing the duties of an armed private security professional until a new certificate is received.¶
- (3) Timelines.¶
- (a) A completed application packet must be submitted electronically or mailed and postmarked to the Department 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) 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.¶
- (d) 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~~ PSSPA 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.¶
- (7) An application may be withdrawn at any time prior to issuance or denial of the requested certification or license. Applicants who choose to withdraw their application forfeit their application fees.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

AMEND: 259-060-0030

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0030 add clarifying language, delete expired COVID provisions, and change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0030

Temporary Assignments ¶¶

~~(1) Temporary Work Permits for Alarm Monitor, Unarmed or Event and Entertainment Private Security Professionals and Managers - Form PS-20. A licensed manager may issue a temporary work permit to an employee who has completed all application requirements to become certified as an alarm monitor, unarmed or event and entertainment temporary work permit provides temporary certification or licensure to a private security professional or licensed as an executive or supervisory manager.¶¶~~

~~(a) Temporary work permits (Form PS-20) may not be issued to armed private security professionals or instructors.¶¶~~

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

~~(2) State of Emergency Temporary Work Permit Provisions – Form COVID PS-20. The following authorizations for issuing COVID temporary work permits expire after December 31, 2020. Any COVID temporary work permit issued on or after January 1, 2021 will allowing the person to provide private security services while the application for certification or licensure is be invalid.¶¶~~

~~(a) Due to local, state and federal temporary emergency response requirements of the COVID-19 (Coronavirus) Emergency, a processed.¶¶~~

~~(2) A licensed manager may issue a temporary work permit (Form COVID PS-20) to an employee who has submit completed an application (Form PS-1 or Form PS-21) and the fees for issuance or renewal of requirements to become certification ed as an alarm monitor, unarmed or event and entertainment private security professional or licensured as an executive or supervisory manager.¶¶~~

~~(A) The Form COVID PS-20 will allow the alarm monitor professional, unarmed professional, event and entertainment professional or manager to perform private security services in accordance with their certification or license classification while completing training or fingerprinting requirements that have been delayed by the COVID-19 (Coronavirus) Emergency.¶¶~~

~~(B) This includes the manager's ability to self-issue a temporary work permit.¶¶~~

~~(b) Due to local, state and federal temporary emergency response requirements of the COVID-19 (Coronavirus) Emergency, a licensed manager may issue a temporary work permit a) Temporary work permits (Form COVID PS-20) to a certified armed private security professional under the following conditions:¶¶~~

~~(A) The armed professional has submitted an application for renewal (Form PS-21) and the fees to renew their armed professional certification;¶¶~~

~~(B) The armed professional has completed the annual firearms qualifications and training requirements for renewal as required under OAR 259-060-0120 (5); and¶¶~~

~~(C) The armed may not be issued to armed private security professional has not been able to complete the biennial unarmed renewal course due to local, state or federal temporary emergency response requirements of the COVID-19 (Coronavirus) Emergenys or instructors.¶¶~~

~~(D) The Form COVID PS-20 will allow the armed professional to perform private security services in accordance with their certification classification while completing the biennial unarmed renewal course that has been delayed by the COVID-19 (Coronavirus) Emergency.¶¶~~

~~(c) Section (3), but excluding (3)(c)(B), of this rule also applies to temporary work permits issued using the Form COVID PS-20.¶¶~~

~~(d) The Department will not approve a second COVID temporary work permit issued using the Form COVID PS-20. In order for a private security provider to continue to work under a regular temporary work permit, the Department must have received proof of successful completion of the required training and fingerpri Managers may self-issue a temporary work permit upon completion of all application requirements.¶¶~~

~~(3)(a) Temporary work permits are employer specific and non-transferable. When an applicant is performing private security services for more than one employer, a temporary work permit is required for each employer.¶¶~~

~~(b) Temporary work permits are issued by completing the Form PS-20.¶¶~~

~~(A) One copy of the Form PS-20 must be submitted to the Department, either electronically or mailed and postmarked, on or before the first day the applicant performs private security services.¶¶~~

~~(B) One copy of the Form PS-20 must be retained by the employer.¶¶~~

(C) One copy of the Form PS-20 must be retained by the employee. The employee must have a copy of their Form PS-20 in their possession while performing the functions of a private security provider and must be able to present their copy of the Form PS-20 to any DPSST staff member, law enforcement officer or Oregon Liquor Control and Cannabis Commission agent upon demand, or any other person, upon reasonable request.¶

(c) A temporary work permit expires 120 days from the date of issuance.¶

(A) The date of issuance is recognized as the date the employing manager signed the Form PS-20.¶

(B) If a temporary work permit expires prior to the applicant's receipt of the Department-issued certification or license, subsequent temporary work permits may be issued by the employing manager after contacting the Department and receiving approval.¶

(d) A lost or destroyed temporary work permit may be replaced by the employing manager without Department approval. The replacement temporary work permit will expire on the same date as the original temporary work permit.¶

(e) Administrative Termination of a Temporary Work Permit.¶

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

(i) 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 OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320;¶

(ii) 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¶

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

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

(C) 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.¶

(4) Reciprocity.¶

(a) As prescribed by ORS 181A.850(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.¶

(A) One copy of the Form PS-9 must be submitted electronically or mailed and postmarked to the Department on or before the first day the applicant performs private security services.¶

(B) Additional copies of the Form PS-9 must be retained by the employer and employee.¶

(C) The employee must have a copy of their Form PS-9 in their possession while performing the functions of a private security provider and must be able to present their copy of the PS-9 to any DPSST staff member, law enforcement officer or Oregon Liquor Control and Cannabis 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.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

AMEND: 259-060-0092

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0092, section (8), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0092

Accreditation of Private Security Training Programs ¶¶

(1) An employer seeking accreditation of training programs pursuant to ORS 181A.870 must submit a completed application, on a form approved by the Department, that identifies an accreditation program manager and includes all of the supporting documentation as specified in the application and a non-refundable \$75 application fee. The Department may request additional documentation as needed.¶¶

(2) Upon receipt of an application for accreditation, the Department will provide the accreditation program manager with an estimate of the evaluation fee. ¶¶

(3) Applications for accreditation that are determined by the Department to be incomplete or insufficient will be returned to the accreditation program manager with a Notice of Deficiency.¶¶

(a) The deficiencies must be corrected and resubmitted with all required information.¶¶

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

(4) Upon approval of an application, a written accreditation agreement will be prepared by the Department. This agreement will not be valid until signed by the Department and the accreditation program manager.¶¶

(5) An accreditation agreement expires two years from the effective date of the agreement. Employers may request a renewal of the accreditation agreement by submitting an application in accordance with section (1) of this rule.¶¶

(6) Accredited private security training programs must be instructed by Department certified private security instructors and in accordance with OAR 259-060-0136.¶¶

(7) 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.¶¶

(8) The Department may terminate an accreditation agreement for any violation of the ~~Act~~PSSPA or these administrative rules or a failure to comply with the terms of the accreditation agreement. When the Department terminates an accreditation agreement:¶¶

(a) The Department will provide a written notice a minimum of 14 days prior to the effective date of the termination of the accreditation agreement;¶¶

(b) Any training administered on or after the effective date of the termination must be the Board approved curriculum provided by the Department;¶¶

(c) The employer or the accreditation program manager may appeal the termination of the accreditation agreement within 30 days of the effective date of the termination by submitting the appeal in writing to the Department; and¶¶

(d) The Department may work with the employer or accreditation program manager to correct any violation and continue the accreditation agreement upon a finding of good cause.¶¶

(9) An employer who wants to use a training program that has already been accredited must also enter into an accreditation agreement with the Department before using the accredited program.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

AMEND: 259-060-0120

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0120, section (5)(b)(B), delete expired COVID provisions.

CHANGES TO RULE:

259-060-0120

Private Security Professional Requirements for Certification ¶¶

(1) In order to be eligible for the issuance or renewal of a private security professional certification, all private security professional applicants must:¶¶

(a) Be in compliance with the minimum standards for certification as listed in OAR 259-060-0020;¶¶

(b) Successfully complete all required training; and ¶¶

(c) Submit an application for certification in accordance with OAR 259-060-0025.¶¶

(2) Alarm Monitor Private Security Professional.¶¶

(a) Basic training for an alarm monitor private security professional certification consists of successful completion of eight hours of alarm monitor basic classroom instruction and exam and a four-hour alarm monitor assessment.¶¶

(b) To renew alarm monitor private security professional certification, alarm monitor private security professionals must successfully complete the four-hour alarm monitor renewal course and exam.¶¶

(3) Unarmed Private Security Professional.¶¶

(a) Basic training for an unarmed private security professional certification consists of successful completion of 14 hours of unarmed basic classroom instruction, exam and assessments.¶¶

(b) To renew unarmed private security professional certification, unarmed private security professionals must successfully complete the four-hour unarmed renewal course and exam.¶¶

(4) Event and Entertainment Private Security Professional.¶¶

(a) Basic training for an event and entertainment private security professional certification consists of successful completion of the online event and entertainment private security professional basic course and exam.¶¶

(b) To renew event and entertainment private security professional certification, event and entertainment private security professionals must successfully complete the online event and entertainment private security professional refresher course and exam.¶¶

(5) Armed Private Security Professional.¶¶

(a) Basic training for an armed private security professional certification consists of successful completion of:¶¶

(A) Fourteen hours of unarmed basic classroom instruction, exam and assessments; and¶¶

(B) Basic firearms course 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.¶¶

(b) Certified armed private security professionals must complete the firearms marksmanship qualification and armed refresher course annually.¶¶

(A) The due date for this qualification and training requirement is determined by the Department by using the last day of the month one year from the date of the last successfully completed basic firearms course accepted by the Department or the last successfully completed firearms marksmanship qualification and armed refresher course accepted by the Department.¶¶

(B) This qualification and training requirement must be successfully completed, submitted to the Department on a Form PS-6 and accepted by the Department by the due date. ~~Due to local, state and federal temporary emergency response requirements of the COVID-19 (Coronavirus) Emergency, the Department may grant a time extension for this annual requirement. Requests for a time extension must be submitted in writing. Approved time extensions for this annual requirement will not exceed 90 days. The Department's authority to grant a time extension expires after December 31, 2020.~~¶¶

(C) Failure to meet this qualification and training requirement subjects the private security professional's armed private security certification to emergency suspension and refusal to renew under section (8) of this rule.¶¶

(D) An armed private security professional who fails to meet this qualification and training requirement is prohibited from performing armed private security services until the required training is successfully completed and a Form PS-6 is received and accepted by the Department. After the due date, an armed private security professional may satisfy the annual firearms training requirement by:¶¶

(i) Successfully completing the firearms marksmanship qualification and armed refresher course within the 90 days following the due date identified above; or¶¶

(ii) Successfully completing the entire basic firearms course.¶¶

(c) To renew armed private security professional certification, armed private security professionals must successfully complete the biennial unarmed renewal course and must be in compliance with the annual firearms

qualification and training requirements found in subsection (b) above.¶

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

(7) Failure to complete any training requirements as prescribed by this rule may result in denial, suspension, refusal to renew or revocation of private security certification or licensure as prescribed in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320, and civil penalties as prescribed in OAR 259-060-0450.¶

(8) Emergency Suspension of Armed Private Security Professional Certification. The Board has determined, based on the principles of diminishing skills, that a serious risk to public health and safety is created by certifying individuals to possess or have access to a firearm while providing private security services when those individuals do not demonstrate and provide proof of their current knowledge, skills and abilities with a firearm by meeting the firearms qualification and training requirements defined in these rules. Therefore, the Department may immediately suspend and may refuse to renew armed certifications as follows:¶

(a) When an armed private security professional does not successfully complete and submit proof of successful completion of the annual firearms marksmanship requalification and refresher course by the annual training due date as defined in subsection (5)(b) of this rule, the Department may immediately suspend and may refuse to renew the armed private security professional certification.¶

(b) When an armed private security professional fails a firearms qualification or training course as defined in OAR 259-060-0060, the Department may immediately suspend and may refuse to renew the armed private security professional and private security firearms instructor certifications. Firearms qualifications and training courses include the basic firearms course, the firearms marksmanship qualification and armed refresher course, the private security firearms instructor marksmanship qualification, and the private security firearms instructor course.¶

(c) Once the Department has received and accepted proof of satisfactory completion for the training requirements, the Department will withdraw the Emergency Suspension Order.¶

(d) Emergency suspensions and refusals to renew under this rule will be administered in accordance with OAR 259-060-0380.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

AMEND: 259-060-0135

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0135, section (4)(b)(B), delete expired COVID provisions.

CHANGES TO RULE:

259-060-0135

Private Security Instructor Requirements for Certification

(1) In order to be eligible for the issuance or renewal of an instructor certification, all private security instructor applicants must:

- (a) Be in compliance with the minimum standards for certification in OAR 259-060-0020;
- (b) Provide proof of experience that equals three years or more of full-time work experience, within the 10 years prior to application, as a private security provider, a military police officer, a law enforcement officer employed by a law enforcement unit as defined in ORS 181A.355 or any combination thereof;
- (c) Successfully complete all required training; and
- (d) Submit an application for instructor certification in accordance with OAR 259-060-0025.

(2) Alarm Monitor Private Security Instructor.

(a) The following training is required for certification as an alarm monitor private security instructor:

- (A) The alarm monitor professional basic classroom instruction, assessment and exam; and
- (B) The alarm monitor private security instructor course and exam.

(b) To renew alarm monitor private security instructor certification, alarm monitor private security instructors must:

- (A) Successfully complete the alarm monitor private security instructor course; and
- (B) Complete a minimum of eight hours of continuing education as defined by section (5) of this rule.
- (c) Currently certified alarm monitor private security instructors who are also certified as an alarm monitor private security professional are exempt from the required alarm monitor private security professional renewal training if they have documented a minimum of 24 hours delivering any combination of the alarm monitor basic course or the alarm monitor renewal course during the current certification period. Documentation must be submitted with the application for renewal in the place of the Form PS-6 for the alarm monitor renewal course.

(3) Unarmed Private Security Instructor.

(a) The following training is required for certification as an unarmed private security instructor:

- (A) The unarmed private security professional basic classroom instruction, assessment and exam; and
- (B) The unarmed private security instructor development course and exam.

(b) To renew unarmed private security instructor certification, unarmed private security instructors must:

- (A) Successfully complete the unarmed private security instructor refresher course and examination;
- (B) Complete a minimum of eight hours of continuing education as defined by section (5) of this rule; and
- (C) Have successfully completed either of the following unarmed instructor training requirements at least once within the three years prior to submission of an application for unarmed instructor renewal:

(i) Participation in the instructor demonstration component of the unarmed private security instructor development course; or

(ii) The unarmed private security instructor development course in its entirety.

(c) Currently certified unarmed private security instructors who are also certified as an unarmed private security professional are exempt from the required unarmed private security professional renewal training if they have documented a minimum of 28 hours delivering any combination of the unarmed basic course or the unarmed renewal course during the current certification period. Documentation must be submitted with the application for renewal in the place of the Form PS-6 for the unarmed renewal course.

(4) Private Security Firearms Instructor.

(a) The private security firearms instructor course is required for certification as a private security firearms instructor and the following prerequisites must be completed prior to attending the private security firearms instructor course:

- (A) The unarmed private security professional basic classroom instruction, assessment and exam;
- (B) The armed private security professional basic firearms course; and
- (C) A firearms instructor development course that consists of a minimum of 40 hours. The course must have been successfully completed within the five years prior to application. Proof of successful completion is required.

Approved sources include:

(i) The Handgun Instructor Development Course provided by the Department of Public Safety Standards and Training;

(ii) The Washington Criminal Justice Training Center;

- (iii) The National Rifle Association Law Enforcement Instructor Development School; ¶
- (iv) The Federal Law Enforcement Training Center; ¶
- (v) The Federal Bureau of Investigation; or ¶
- (vi) A qualified firearms instructor certification course as determined by the Department. ¶
- (b) Certified private security firearms instructors must complete the firearms instructor marksmanship qualification annually. Instructors must qualify on a target authorized by the Department, within three attempts in one day. ¶
- (A) The due date for this qualification requirement is determined by the Department by using the last day of the month one year from the date of the last successfully completed private security instructor firearms course accepted by the Department or the last successfully completed annual firearms instructor marksmanship qualification accepted by the Department. ¶
- (B) This qualification requirement must be successfully completed, submitted to the Department through a Department approved submission process and accepted by the Department by the due date. ~~Due to local, state and federal temporary emergency response requirements of the COVID-19 (Coronavirus) Emergency, the Department may grant a time extension for this annual requirement. Requests for a time extension must be submitted in writing. Approved time extensions for this annual requirement will not exceed 90 days. The Department's authority to grant a time extension expires after December 31, 2020.~~ ¶
- (C) Failure to meet this qualification requirement subjects the private security instructor's private security firearms instructor certification to emergency suspension and refusal to renew under section (7) of this rule. ¶
- (D) A private security firearms instructor who fails to meet this qualification requirement is prohibited from providing services as a certified private security firearms instructor until the required qualification is successfully completed and proof of completion is received and accepted by the Department. After the due date, a private security firearms instructor may satisfy the annual firearms qualification requirement by: ¶
 - (i) Successfully completing the firearms instructor marksmanship qualification within the 90 days following the due date identified above; or ¶
 - (ii) Successfully completing the entire private security firearms instructor course. ¶
- (c) To renew private security firearms instructor certification, private security firearms instructors must: ¶
 - (A) Be in compliance with the annual firearms instructor marksmanship qualification requirement found in subsection (b) above; ¶
 - (B) Successfully complete the private security firearms instructor course; and ¶
 - (C) Complete a minimum of eight hours of continuing education as defined by section (5) of this rule. ¶
 - (D) During renewal years, the Department may recognize a private security firearms instructor course completed for renewal of a private security firearms instructor certification as being in compliance with the annual firearms instructor marksmanship qualification requirement found in subsection (b) above when the private security firearms instructor course is successfully completed, submitted and accepted by the Department by the annual due date. ¶
- (5) Instructor Certification Continuing Education. ¶
 - (a) Continuing education must focus on instructor development or the DPSST private security professional course topics applicable to the corresponding instructor certification. Continuing education sources include training, classes, seminars, workshops, lectures, conferences and webinars. ¶
 - (b) Continuing education must be submitted on a Form PS-8 and include proof of completion or attendance. Proof can be in the form of a grade, certificate, transcript, minutes, attendance roster or training record. Other forms of proof may be accepted at the Department's discretion. ¶
 - (c) Continuing education must be completed within the two years prior to application for renewal of the instructor certification. ¶
 - (d) Instructors with more than one DPSST private security instructor certification must complete the continuing education for each of their instructor certifications using separate continuing education hours. ¶
- (6) Failure to complete any training requirements as prescribed by this rule may result in denial, suspension, refusal to renew or revocation of private security certification or licensure as prescribed in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320, and civil penalties as prescribed in OAR 259-060-0450. ¶
- (7) Emergency Suspension of Private Security Firearms Instructor Certification. The Board has determined, based on the principles of diminishing skills, that a serious risk to public health and safety is created by certifying individuals to possess or have access to a firearm while providing private security services or instructing the private security basic firearms, marksmanship qualification, and armed refresher courses when those individuals do not demonstrate and provide proof of their current knowledge, skills and abilities with a firearm by meeting the firearms qualification and training requirements defined in these rules. Therefore, the Department may immediately suspend and may refuse to renew armed certifications as follows: ¶
 - (a) When a private security firearms instructor does not successfully complete and submit proof of successful completion of the firearms instructor marksmanship qualification by the annual training due date as defined in

subsection (4)(b) of this rule, the Department may immediately suspend and may refuse to renew the private security firearms instructor certification.¶

(b) When a private security firearms instructor fails a firearms qualification or training course as defined in OAR 259-060-0060, the Department may immediately suspend and may refuse to renew the private security firearms instructor and armed private security professional certifications. Firearms qualifications and training courses include the basic firearms course, the firearms marksmanship qualification and armed refresher course, the private security firearms instructor marksmanship qualification, and the private security firearms instructor course.¶

(c) Once the Department has received and accepted proof of satisfactory completion for the training requirements, the Department will withdraw the Emergency Suspension Order.¶

(d) Emergency suspensions and refusals to renew under this rule will be administered in accordance with OAR 259-060-0380.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

AMEND: 259-060-0136

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0136, section (9)(g), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0136

Private Security Instructor Responsibilities

- (1) The Department certifies private security instructors to provide instruction to private security providers or applicants. This rule defines the duties and expectations of a certified private security instructor.¶
- (2) Certification as a private security instructor authorizes the instructor to deliver private security professional courses that have been approved by the Board or accredited by the Department to satisfy the training requirements defined in OAR 259-060-0060. ¶
- (3) A private security instructor must:¶
 - (a) Be certified as an alarm monitor private security instructor in order to instruct the alarm monitor basic course and the alarm monitor renewal course.¶
 - (b) Be certified as an unarmed private security instructor in order to instruct the unarmed basic course or the unarmed renewal course.¶
 - (c) Be certified as a private security firearms instructor in order to instruct the basic firearms course, the armed refresher course, and the annual firearms marksmanship requalification and refresher course.¶
- (4) Certified private security instructors are required to satisfy the following responsibilities through their role as an instructor:¶
 - (a) Deliver the Board approved or Department accredited course curriculum in its entirety;¶
 - (b) Met or exceed the minimum number of training hours required for the delivery of the course;¶
 - (c) Provide or use training facilities that provide a safe environment that is conducive to learning;¶
 - (d) Provide each student with a current copy of the appropriate training manuals for the student to retain upon completion of the course; ¶
 - (e) Deliver course curriculum in English and administer assessments and written exams in English without assistance;¶
 - (f) Remediate or fail students in accordance with section (7) of this rule;¶
 - (g) Confirm the identity of each student by viewing a valid government issued picture ID;¶
 - (h) Maintain confidentiality of student information in accordance with state and federal laws;¶
 - (i) Maintain training records in accordance with section (8) of this rule;¶
 - (j) Offer a contract to each student, or to the employer, business or entity, when the training is being provided as a fee based service. The contract must identify what services are being provided and identify the fees for those services. Instructors who are providing training for their employer, or who are not receiving a fee for service to provide training services, are exempt from the requirement to offer a contract;¶
 - (k) Provide and maintain a professional and respectful learning environment; and¶
 - (L) Comply with the statutory and administrative rules that govern private security providers. ¶
- (5) Certified private security instructors are prohibited from:¶
 - (a) Signing a Form PS-6 for training that they did not deliver;¶
 - (b) Using the DPSST logo without authorization on any materials, advertising, websites or clothing that has not been provided and authorized by the Department; and¶
 - (c) Making bias, false, malicious, negative or disparaging comments about students, colleagues, curriculum or the Department during the delivery of private security courses or at times when actively engaged in the role of a certified private security instructor.¶
- (6) Instructors may terminate training if, in the instructor's opinion, the student is unfit to proceed, taking into consideration the student's poor judgment, unsafe practices, abnormal behavior or other relevant factors. The instructor must immediately notify the student of the reason for termination of training and must also notify the Department within 48 hours in writing, using a Form PS-6. ¶
- (7) Student Remediation/Failure. When a student fails to successfully complete any portion of the required training the instructor must remediate or fail the student 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 student, 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 student indicate that the student understands the underlying principles. An inappropriate answer may result in the termination of training and indication on the training affidavit that the student has failed to successfully complete

the required training. ¶

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

(c) The instructor may remediate and re-test a student who fails to score 100% on the firearms marksmanship qualification course. Students must qualify within three attempts in one day. ¶

(d) A student who is unable to successfully achieve a training standard must be failed. Any instructor who fails a student 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 completed Form PS-6 indicating that an individual has failed. ¶

(8) Training Records. ¶

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

(A) A completed Form PS-6 for each student; ¶

(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 student. ¶

(b) Upon successful completion of all requirements, the instructor must provide the student with a completed Form PS-6. ¶

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

(9) Remote Training by a Certified Private Security Instructor. ¶

(a) "Remote training" means training that is delivered using a combination of a virtual meeting platform and a learning management system to allow the students and the instructor to interact with one another using video and audio connections and participate in training, assessments, and examinations. ¶

(b) Certified private security instructors may request authorization to provide remote training by submitting a written request and a remote training delivery plan to the Department. ¶

(c) If the request is approved, the Department will provide the instructor with a written authorization to provide remote training. The Department's written authorization will include the expiration date of the authorization period. ¶

(d) An instructor must have the Department's written authorization before providing remote training. ¶

(e) Instructors are required to notify the Department when there are changes to the approved remote training delivery plan. ¶

(f) When providing remote training, instructors must ensure their students have use of interactive video and audio connections to participate in and complete the training. ¶

(g) The Department may terminate an instructor's authorization for remote training for any violation of the Act/PSSPA or these administrative rules or a failure to comply with the terms of the authorization. Notice of termination will be provided in writing. ¶

(h) Instructors are prohibited from providing remote training if the authorization expires or is terminated, or if their private security instructor certification expires or is denied, suspended, or revoked. ¶

(i) DPSST armed courses are not eligible for remote training. ¶

(10) Failure to comply with any of the responsibilities as prescribed by this rule may result in denial or revocation of private security certification or licensure as prescribed in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320, and civil penalties as prescribed in OAR 259-060-0450.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870, ORS 181A.840, ORS 181A.850

AMEND: 259-060-0145

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0145, section (2), provide clarifying language.

CHANGES TO RULE:

259-060-0145

Crowd Management or Guest Services

(1) Individuals who are performing crowd management or guest services, as defined in OAR 259-060-0010 and meet all the requirements of the exemption found in OAR 259-060-0015, are not required to be certified as a private security provider.¶

(2) ~~Managers, contractors~~ Private security managers, contract executive managers, or employers who employ individuals to provide crowd management or guest services must:¶

(a) Provide one certified private security professional on-site for every 10 or fewer crowd management or guest services staff;¶

(b) Ensure all crowd management or guest services staff have the ability to communicate with a certified private security professional at all times; and¶

(c) Provide documentation confirming the appropriate staffing ratio and communication ability to the Department upon request or to any other person upon reasonable request.¶

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

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

REPEAL: 259-060-0200

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: OAR 259-060-0200 is repealed. The contents of this rule will be transferred to the requirements for private security entities found in OAR Chapter 259 Division 59.

CHANGES TO RULE:

~~259-060-0200~~

~~Employer Responsibilities~~

~~(1) The owner of any business or entity that employs or utilizes at least one individual whose primary responsibilities include providing private security services:¶¶~~

~~(a) Must designate an individual to perform the duties of an executive manager at all times as described in OAR 259-060-0130. An employer may obtain licensure for more than one executive manager.¶¶~~

~~(b) Is prohibited from using a name that implies that the employer's business or entity is, or is affiliated with, an existing law enforcement unit or public safety agency as defined in ORS 181A.355, the organized militia as described in ORS 396.105, the Armed Forces of the United States, a federal law enforcement agency or a federal intelligence agency. Employers operating under a name prior to July 1, 2016 are exempt from this restriction for as long as the business or entity is owned by the same person.¶¶~~

~~(2) For the purpose of these administrative rules, these provisions 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 or out of this state.¶¶~~

~~(3) Violation of these rules 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.~~

~~Statutory/Other Authority: OL 2016 Ch. 50~~

~~Statutes/Other Implemented: OL 2016 Ch. 50~~

AMEND: 259-060-0300

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0300, section (3)(c), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0300

Grounds to Deny, Revoke, Suspend or Refuse to Renew Alarm Monitor Professional Certification

(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the private security profession, protecting the public and ensuring that the conduct of a private security provider or an applicant does not reflect adversely on the private security profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified alarm monitor professional.¶

(2) The Department must deny, revoke or refuse to renew certification as an alarm monitor professional when the Department determines that the private security professional or applicant:¶

(a) Is required to register or is registered as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025;¶

(b) Has been convicted of a crime listed in ORS 137.700 or convicted of a crime in any other jurisdiction in which the underlying conduct would satisfy the elements of a crime listed in ORS 137.700 if the act was committed in this state, and less than 10 years have passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision; or¶

(c) Has been convicted of a crime for any offense, other than the mandatory grounds defined in subsection (b) above, for which a maximum term of imprisonment of more than one year may be imposed under the law of the jurisdiction where the conviction occurred, and less than four years have passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision.¶

(3) The Department may deny, revoke or refuse to renew certification as an alarm monitor professional when the Department determines that the private security professional or applicant:¶

(a) Violated the moral fitness standards for alarm monitor professionals by:¶

(A) Engaging in conduct that includes dishonesty or deceit where the conduct occurred within the four years prior to certification or while certified;¶

(B) Engaging in conduct that resulted in a criminal disposition, other than convictions constituting mandatory grounds as defined in section (2) of this rule, that includes dishonesty or deceit where the conduct occurred within the four years prior to certification or while certified;¶

(C) Engaging in conduct that resulted in a criminal disposition for any violation of criminal law where the conduct occurred while providing private security services and within the four years prior to certification or while certified; or¶

(D) Engaging in conduct while providing private security services that constitutes harassment, stalking, intimidation, bullying, intentional or reckless physical harm or threatening harm of a person or group of people.¶

(b) 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) Failed to meet or failed to comply with any provisions found in the ~~Act~~ PSSPA or these rules; or¶

(d) Failed to pay a civil penalty or fee imposed by the Board when due.¶

(4) The Department may suspend and may refuse to renew an alarm monitor private security professional's certification upon finding that the private security provider has been charged with a crime that is grounds for denial or revocation as defined in sections (2) and (3) of this rule. If the Department finds there is a serious danger to the public health or safety, the Department may immediately suspend the certification pursuant to OAR 137-003-0560. The report of a charge may be in any form and from any source.¶

(5) When the Department denies, revokes, suspends or refuses to renew certification as an alarm monitor professional for the mandatory or discretionary grounds defined in this rule, the denial, revocation, suspension or refusal to renew will be administered in accordance with OAR 259-060-0380.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870, ORS 181A.850, ORS 181A.855, ORS 181A.880, ORS 181A.885

AMEND: 259-060-0310

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0310, section (3)(c), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0310

Grounds to Deny, Revoke, Suspend or Refuse to Renew Unarmed Private Security Professional Certification and Event and Entertainment Private Security Professional Certification

(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the private security profession, protecting the public and ensuring that the conduct of a private security provider or an applicant does not reflect adversely on the private security profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified unarmed private security professional or an event and entertainment private security professional.¶

(2) The Department must deny, revoke or refuse to renew certification as an unarmed private security professional or an event and entertainment private security professional when the Department determines that the private security professional or applicant:¶

(a) Is required to register or is registered as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025;¶

(b) Has been convicted of a crime listed in ORS 137.700 or convicted of a crime in any other jurisdiction in which the underlying conduct would satisfy the elements of a crime listed in ORS 137.700 if the act was committed in this state, and less than 10 years have passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision; or¶

(c) Has been convicted of a crime for any offense, other than the mandatory grounds defined in subsection (b) above, for which a maximum term of imprisonment of more than one year may be imposed under the law of the jurisdiction where the conviction occurred, and less than four years have passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision.¶

(3) The Department may deny, revoke or refuse to renew certification as an unarmed private security professional or an event and entertainment private security professional when the Department determines that the private security professional or applicant:¶

(a) Violated the moral fitness standards for unarmed private security professionals and event and entertainment private security professionals by:¶

(A) Engaging in conduct that includes dishonesty or deceit, sexual misconduct, drug related misconduct, destruction of property, or violence, abuse or neglect against a person or animal where the conduct occurred within the four years prior to certification or while certified;¶

(B) Engaging in conduct that resulted in a criminal disposition, other than convictions constituting mandatory grounds as defined in section (2) of this rule, that includes dishonesty or deceit, a sexual offense, a drug offense, destruction of property, or violence, abuse or neglect against a person or animal where the conduct occurred within the four years prior to certification or while certified; ¶

(C) Engaging in conduct that resulted in a criminal disposition for any violation of criminal law where the conduct occurred while providing private security services and within the four years prior to certification or while certified; or¶

(D) Engaging in conduct while providing private security services that constitutes harassment, stalking, intimidation, bullying, intentional or reckless physical harm or threatening harm of a person or group of people.¶

(b) 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) Failed to meet or failed to comply with any provisions found in the ~~Act~~PSSPA or these rules; or¶

(d) Failed to pay a civil penalty or fee imposed by the Board when due.¶

(4) The Department may suspend and may refuse to renew an unarmed private security professional's or an event and entertainment private security professional's certification upon finding that the private security provider has been charged with a crime that is grounds for denial or revocation as defined in sections (2) and (3) of this rule. If the Department finds there is a serious danger to the public health or safety, the Department may immediately suspend the certification pursuant to OAR 137-003-0560. The report of a charge may be in any form and from any source.¶

(5) When the Department denies, revokes, suspends or refuses to renew certification as an unarmed private security professional or an event and entertainment private security professional for the mandatory or discretionary grounds defined in this rule, the denial, revocation, suspension or refusal to renew will be

administered in accordance with OAR 259-060-0380.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870, ORS 181A.855, ORS 181A.875, ORS 181A.880, ORS 181A.885

AMEND: 259-060-0320

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0320, section (3)(c), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0320

Grounds to Deny, Revoke, Suspend or Refuse to Renew Armed Private Security Professional Certification, Private Security Instructor Certification, and Executive or Supervisory Manager Licensure

(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the private security profession, protecting the public and ensuring that the conduct of a private security provider or an applicant does not reflect adversely on the private security profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified armed private security professional, a certified private security instructor or a licensed executive or supervisory manager.¶

(2) The Department must deny, revoke or refuse to renew certification as an armed private security professional or private security instructor or licensure as an executive or supervisory manager when the Department determines that the private security provider or applicant:¶

(a) Is required to register or is registered as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025;¶

(b) Has been convicted of a crime listed in ORS 137.700 or convicted of a crime in any other jurisdiction in which the underlying conduct would satisfy the elements of a crime listed in ORS 137.700 if the act was committed in this state, and less than 10 years have passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision;¶

(c) Has been convicted of a crime for any offense, other than the mandatory grounds defined in subsection (b) above, for which a maximum term of imprisonment of more than one year may be imposed under the law of the jurisdiction where the conviction occurred, and less than four years have passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision; or¶

(d) Fails to meet the minimum standards for armed certification as an armed private security professional or a private security firearms instructor pursuant to OAR 259-060-0020.¶

(3) The Department may deny, revoke or refuse to renew certification as an armed private security professional or private security instructor or licensure as an executive or supervisory manager when the Department determines that the private security provider or applicant:¶

(a) Violated the moral fitness standards for armed private security professionals, private security instructors and executive or supervisory managers by:¶

(A) Engaging in conduct that includes dishonesty or deceit, sexual misconduct, drug related misconduct, destruction of property, illegal use or possession of a deadly weapon, or violence, abuse or neglect against a person or animal where the conduct occurred within the 10 years prior to certification or licensure or while certified or licensed;¶

(B) Engaging in conduct that resulted in a criminal disposition, other than convictions constituting mandatory grounds as defined in section (2) of this rule, that includes dishonesty or deceit, a sexual offense, a drug offense, destruction of property, illegal use or possession of a deadly weapon, or violence, abuse or neglect against a person or animal where the conduct occurred within the 10 years prior to certification or licensure or while certified or licensed;¶

(C) Engaging in conduct that resulted in a criminal disposition for any violation of criminal law where the conduct occurred while providing private security services and within the 10 years prior to certification or licensure or while certified or licensed; or¶

(D) Engaging in conduct while providing private security services that constitutes harassment, stalking, intimidation, bullying, intentional or reckless physical harm or threatening harm of a person or group of people.¶

(b) 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) Failed to meet or failed to comply with any provisions found in the ~~Act~~ PSSPA or these rules other than a failure to satisfy minimum standards constituting the basis for mandatory grounds as defined in section (2)(d) of this rule; or¶

(d) Failed to pay a civil penalty or fee imposed by the Board when due.¶

(4) The Department may suspend and may refuse to renew a private security provider's certification or license upon finding that the private security provider has been charged with a crime that is grounds for denial or

revocation as defined in sections (2) and (3) of this rule. If the Department finds there is a serious danger to the public health or safety, the Department may immediately suspend the certification pursuant to OAR 137-003-0560. The report of a charge may be in any form and from any source.¶

(5) When the Department denies, revokes, suspends or refuses to renew certification as an armed private security professional or private security instructor or licensure as an executive or supervisory manager for the mandatory or discretionary grounds defined in this rule, the denial, revocation, suspension or refusal to renew will be administered in accordance with OAR 259-060-0380.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870, ORS 181A.855, ORS 181A.875, ORS 181A.880, ORS 181A.885

RULE SUMMARY: The changes to OAR 259-060-0350, section (1), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

CHANGES TO RULE:

259-060-0350

Department Review for Denial, Revocation, Suspension or Refusal to Renew

(1) When the Department receives information from any source that a private security provider or an applicant may not meet the established standards for private security providers, the Department will review the information to determine if substantial evidence exists to support denial, revocation, refusal to renew or suspension of a private security certification or license under the ~~Act~~PSSPA or these administrative rules. Receipt of information may include, but is not limited to:¶

(a) Information obtained through a criminal background check, department investigations, official records submitted by the private security provider or applicant, or other reliable sources;¶

(b) Information of an arrest, a criminal citation to appear or its equivalent, a conviction, or any other criminal disposition, of a certified or licensed private security provider or an applicant;¶

(c) Information from an employer alleging that a certified or licensed private security provider or applicant may have violated the standards or requirements found in the ~~Act~~PSSPA or these rules; or¶

(d) Any complaint submitted to the Department alleging that a private security provider or applicant may have violated the standards or requirements found in the ~~Act~~PSSPA or these rules.¶

(2) The Department will not take action to revoke a currently certified or licensed private security provider or to deny an application for renewal submitted prior to expiration based on a criminal disposition or conduct that was previously reviewed and determined not to violate standards for private security provider certification and licensure or resulted in no action to deny or revoke certification or licensure using the administrative rules in effect at the time of the review.¶

(a) Nothing in this rule precludes the Department from denying or revoking certification or licensure upon discovery of additional mandatory or discretionary grounds for denial or revocation.¶

(b) Nothing in this rule precludes the Department from denying additional certification or licensure when a certified or licensed private security provider submits an application for additional certifications or licenses.¶

(c) Nothing in this rule precludes the Department from denying an application to renew an expired certification or license.¶

(d) Nothing in this rule precludes the Department from considering previous criminal dispositions or conduct as an aggravating circumstance in a separate discretionary review.¶

(3) If the Department determines that the private security provider's or the applicant's conduct meets the definition of a mandatory disqualifier as defined in OAR 259-060-0300(2), OAR 259-060-0310(2) or OAR 259-060-0320(2), the Department will prepare and serve a Notice of Intent on the individual in accordance with OAR 259-060-0380.¶

(4) If the Department determines that the private security provider's or the applicant's conduct meets the definition of a discretionary disqualifier as defined in OAR 259-060-0300(3), OAR 259-060-0310(3) or OAR 259-060-0320(3), the Department will serve the private security provider or applicant with a preliminary notification of denial or revocation. The preliminary notification provides the private security provider or applicant an opportunity to respond in writing to the Department's preliminary notification to deny or revoke and provides the opportunity to surrender the certification or license or to withdraw the application for certification or licensure.¶

(a) The individual will have 10 business days from the date of the Department's preliminary notification to provide a written response.¶

(b) If the individual does not provide a written response within the 10 business days, the Department will proceed in reviewing the information available and making a determination.¶

(5) In cases involving a discretionary moral fitness violation as defined in OAR 259-060-0300(3)(a), OAR 259-060-0310(3)(a) or OAR 259-060-0320(3)(a), after the opportunity to submit a written response, the Department must consider the aggravating and mitigating circumstances unique to the case.¶

(a) Aggravating and mitigating circumstances are conditions, factors or actions that increase or decrease the total impact that the violation has when determining whether or not a private security provider or applicant meets the moral fitness standards for certification or licensure.¶

(A) Aggravating circumstances generally increase the severity of the moral fitness violation and may, in addition to the moral fitness violation, be grounds to deny or revoke certification or licensure. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal

dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, if the conduct occurred while providing or performing private security services or any other circumstance the Department considers aggravating given the specific issues in the case. ¶

(B) Mitigating circumstances do not excuse or justify the conduct, but generally decrease the severity of the moral fitness violation. Circumstances that may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department considers mitigating given the specific issues in the case. ¶

(b) When the Department determines that the circumstances unique to the case mitigate the adverse impacts of the moral fitness violation, the Department may approve the provider's or applicant's certification or licensure or take no action to revoke the provider's certification or license. ¶

(c) When the Department determines that the circumstances unique to the case do not mitigate the adverse impacts of the moral fitness violation, the Department will prepare and serve a Notice of Intent on the individual in accordance with OAR 259-060-0380. ¶

(6) The moral fitness standards defined in administrative rule in effect on the date the Department or the Board determined that the applicant or private security provider violated the moral fitness standards for certification and licensure will continue to apply until the Final Order has been issued and all appeal rights have been exhausted regardless of whether the moral fitness standards have been subsequently amended or repealed.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870, ORS 181A.875

AMEND: 259-060-0450

NOTICE FILED DATE: 12/11/2023

RULE SUMMARY: The changes to OAR 259-060-0450 include the following:

Sections (1), (2)(i), (2)(p), and (3)(a), change references for the Private Security Services Providers Act from "the Act" to the "PSSPA."

Section (2)(e) provides a citation correction.

Section (4)(b)(A) provides a grammatical correction.

Sections (2)(j) and (2)(n) are deleted and will be transferred to the requirements for private security entities found in OAR Chapter 259 Division 59.

CHANGES TO RULE:

259-060-0450

Compliance ¶¶

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

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

(a) Providing private security services without a valid certification, license or temporary work permit;¶¶

(b) Failure to submit properly completed forms or documentation in a time frame as designated by the Department;¶¶

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

(d) Failure to cease providing private security services upon expiration of certification or licensure, notice of termination, suspension, denial or revocation;¶¶

(e) Failure to complete required training as prescribed in OAR 259-060-0060120, 259-060-0130, and 259-060-0135;¶¶

(f) Failure to report criminal charges as required in ORS 181A.885;¶¶

(g) Failure of a private security instructor to perform the duties of a certified instructor as defined in OAR 259-060-0136;¶¶

(h) 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;¶¶

(i) Employing private security providers who have not completed the training and application process required under the ~~Act~~PSSPA and these rules;¶¶

(j) ~~Failure to employ a licensed executive manager;~~¶¶

(~~k~~) Failure to provide technological communication or visibility of a certified security professional to crowd management or guest services staff;¶¶

(~~h~~k) Failure to provide documentation of one certified security professional to ten crowd management or guest services staff;¶¶

(~~m~~l) Expecting crowd management or guest services staff to perform security services duties other than the duties incidental to crowd management or guest services;¶¶

(n) ~~Using a name that implies that the employer's business or entity is, or is affiliated with, an existing law enforcement unit or public safety agency as defined in ORS 181A.355, the organized militia as described in ORS 396.105, the Armed Forces of the United States, a federal law enforcement agency or a federal intelligence agency. Employers operating under a name prior to July 1, 2016 are exempt from this restriction for as long as the business or entity is owned by the same person;~~¶¶

(~~o~~m) Possessing or using in the scope of employment prohibited equipment, vehicles, uniforms or titles as defined in OAR 259-060-0012; or¶¶

(~~p~~n) Any other violation of requirements of the ~~Act~~PSSPA 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 or employer. Records inspected may include any document relating to the requirements of the ~~Act~~PSSPA 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, OAR 259-060-0310 and OAR 259-060-0320.¶

(4) 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.¶

(5) 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 or employer may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.¶

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

(B) An individual or employer will be given the opportunity to provide mitigation to the Department.¶

(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.¶

(6) 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 or employer.¶

(7) 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.¶

(8) 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.¶

(9) Civil Penalty Amounts.¶

(a) Alarm monitor, unarmed and event and entertainment private security professionals 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 professionals 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 employers who employ individuals to provide private security services 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.¶

(10) 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.¶

(11) 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.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870, ORS 181A.995