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DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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RULES:

259-060-0010, 259-060-0020, 259-060-0025, 259-060-0060, 259-060-0120, 259-060-0135, 259-060-0300, 259-060-0310, 259-060-0320, 259-060-0350, 259-060-0360, 259-060-0370, 259-060-0380, 259-060-0600

AMEND: 259-060-0010

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0010 provides the definitions for interpretation of OAR Chapter 259 Division 60 - Private Security Provider Certification and Licensure. This rule change adds definitions for "criminal disposition" and "jurisdiction." All other definitions renumbered to maintain alphabetical order. These changes support the changes to the private security provider denial/revocation standards.

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.¶
- (123) "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.¶
- (134) "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.¶
- (145) "Department" and "DPSST" means the Department of Public Safety Standards and Training.¶
- (156) "Director" means the Director of the Department of Public Safety Standards and Training.¶
- (167) "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.¶
- (178) "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.¶
- (189) "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.¶
- (1920) "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.891.¶

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

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

(223) "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.¶

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

(245) "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.¶

(257) "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.¶

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

(279) "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 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.¶

(2830) "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.¶

(2931) "Private" as used in the Act 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.¶

(302) "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.¶

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

(324) "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 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.¶

(335) "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.¶

(346) "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.¶

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

(368) "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.¶

(379) "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, executive or supervisory manager while the application for certification or licensure is being processed.¶

(3840) "The Act" means the Private Security Services Providers Act (ORS Chapter 181A.840 through 181A.995).¶

(3941) "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.¶

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

(413) "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: 259-060-0020

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0020 outlines the statutory and Board-established minimum standards to be eligible for certification or licensure as a private security provider. This rule change amends the section that addresses moral fitness and adds a section about disclosing criminal dispositions and providing records. These changes support the changes to the private security provider denial/revocation standards.

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 be of good moral character and meet moral fitness standards for certification or licensure.¶¶

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

(ab) Lack of good moral fitness includes, but is not limited to, mandatory and discretionary disqualifying misconduct as described in Violations of moral fitness are defined in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-03020.¶¶

(b5) For the purposes of this standard, the Department, through the Policy Committee and the Board, has defined core values that are integral to the private security profession. These values are:¶¶

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

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

(C) Fair Treatment of Others. Fair treatment of others includes treating others equitably, demonstrating good

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 judgement and not being discriminatory;¶¶

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

~~(E) Respect for the laws of this state and has issued in the adjudication.~~

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

~~(56) 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.~~

~~(67) Minimum Standards for Armed Certification.~~

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

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

~~(eb) 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;~~

~~(ec) 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~~

~~(ed) 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 DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0025 outlines what forms and documentation are needed when applying for, or renewing, a private security provider certification or license.

This rule change deletes the requirement to submit the Form PS-27 which is the Code of Ethics signature form. This change is a result of the amended definition of a moral fitness violation [see also OAR 259-060-0300, 259-060-0310 & 259-060-0320] and the amendments to the moral fitness/core values language in OAR 259-060-0020. Deleting the use of the form does not change the requirement for an applicant or provider to meet the moral fitness standards. Deleting the use of the form does not change DPSST's ability to deny, suspend, or revoke an applicant or provider for violating the moral fitness, or any other, certification or licensure standards. As a part of this rule change package, the application form will be updated to include a signed acknowledgment of the requirement to meet the moral fitness standards established by the Board. An additional rule section has been added to identify the ability to withdraw an application. This is a technical addition because the opportunity to withdraw is already part of current standards and processes.

These changes support the changes to the private security provider denial/revocation standards.

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 in the form of the original Form PS-6 issued to the applicant by a certified private security instructor or a copy of the 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) ~~A completed Form PS-27 affirming moral fitness and professional standards;~~¶¶
 - ~~(G)~~ All applicants for instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and¶¶
 - ~~(H)~~ Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500.¶¶
 - (b) The application packet for renewing certification or licensure as a private security provider must be completed in its entirety and must include:¶¶
 - (A) A completed Form PS-21;¶¶
 - (B) ~~A completed Form PS-27 affirming moral fitness and professional standards;~~¶¶

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

~~(D)~~ 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;¶

~~(E)~~ 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¶

~~(F)~~ 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 in the form of the original Form PS-6 issued to the applicant by a certified private security instructor or a copy of the 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)~~ A completed Form PS-27 affirming moral fitness and professional standards;¶

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

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

~~(G)~~ 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 in the form of the original Form PS-6 issued to the applicant by a certified private security instructor or a copy of the certificate of completion issued by the Department;¶

~~(C)~~ A completed Form PS-27 affirming moral fitness and professional standards;¶

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

~~(E)~~ 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 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: 259-060-0060

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0060 identifies minimum training standards and provides definitions for private security training courses.

This rule change amends the section (11) reference to emergency suspension for failure of a firearms training or firearms qualification. Through this collection of rule changes, the emergency suspension process is transferred to the certification requirements for armed professionals [OAR 259-060-0120] and firearms instructors [OAR 259-060-0135]. This transfer recognizes that emergency suspensions relating to firearms training and qualification requirements are different from moral fitness denial/revocation standards and processes. There were no changes made to the existing firearms training and qualification standards or the relating emergency suspension processes. These changes support the changes to the private security provider denial/revocation standards.

CHANGES TO RULE:

259-060-0060

Minimum Standards for Training ¶¶

- (1) All private security courses and examinations will be based upon a curriculum approved by the Board.¶¶
- (2) All required training and testing must be conducted by a certified private security instructor or by a Department designee.¶¶
- (3) Notwithstanding section (4), all required firearms courses must be administered by a certified private security firearms instructor.¶¶
- (4) The Department or its designee will deliver the event and entertainment private security professional, private security instructor and manager courses.¶¶
- (5) All training must be delivered in English and assessments and written exams must be completed in English, without assistance.¶¶
- (6) The Department website will provide names of instructors who have requested on a Department-approved form that their names be available to applicants.¶¶
- (7) The applicant or private security provider must submit proof of successful completion of the training required as specified in these rules. Successful completion of the training must be documented by submitting the following proof of completion to the Department:¶¶
 - (a) The original Form PS-6 issued to the applicant by a certified private security instructor. The Form PS-6 must be signed by the certified private security instructor who administered the course; or¶¶
 - (b) A copy of the certificate of completion issued by the Department.¶¶
- (8) To satisfy the training requirements for private security certification or licensure, training must be received and accepted by the Department within 180 days of the training being completed.¶¶
- (9) Private Security Course Descriptions.¶¶
 - (a) Basic Classroom Instruction. Basic classroom consists of live classroom instruction which may include use of a subject matter expert, audio and visual instruction. Instructors must provide individuals with a manual of the basic curriculum. Applicants must complete a closed-book written examination.¶¶
 - (b) Assessments. Assessments are hands-on, practical exercises given to private security professionals that will reinforce the knowledge and techniques presented during classroom instruction. Assessments consist of evaluations and include, but are not limited to, scenarios requiring application of task-related skills learned in the basic classroom instruction.¶¶
 - (c) Event and Entertainment Private Security Professional Basic Course. The Event and Entertainment Private Security Professional Basic Course provides basic private security training to private security professionals who are providing private security services solely for event or entertainment businesses or venues. This is a standalone

course and does not replace the unarmed private security professional basic course.¶

(A) The Event and Entertainment Private Security Professional Basic Course is based on curriculum approved by the Board on January 23, 2020.¶

(B) The Event and Entertainment Private Security Professional Basic Course consists of online training and a final exam.¶

(C) Students must achieve a passing score of 100% on the final exam, with remediation.¶

(D)-The Event and Entertainment Private Security Professional Basic Course is administered by the Department and delivered online.¶

(d) Basic Firearms Course. Basic Firearms course must include:¶

(A) A minimum of 24 hours of instruction and an open-book written examination covering firearms instruction materials;¶

(B) A safe gun handling test; and¶

(C) A marksmanship qualification using firearms qualification standards and targets.¶

(e) Alarm Monitor Private Security Instructor Course. The alarm monitor private security instructor course teaches alarm monitor professional curriculum, instructing techniques and Department policies and procedures. The course includes classroom instruction, assessments and a written examination. ¶

(f) Unarmed Private Security Instructor Development Course. The unarmed private security instructor development course teaches unarmed professional curriculum, instructing techniques and Department policies and procedures. The course includes classroom instruction, assessments and a written examination. ¶

(g) Private Security Firearms Instructor Course. The private security firearms instructor course teaches armed professional curriculum instruction, instructing techniques, practical application and Department policies and procedures. The course includes classroom instruction, marksmanship qualification, safe handgun handling and a written examination. ¶

(h) Manager Course. The manager course trains on Department policies and procedures. The course includes classroom instruction, assessments and a written examination.¶

(i) Firearms Marksmanship Qualification and Armed Refresher Course includes an annual firearms marksmanship qualification, the annual armed 4-hour classroom refresher course, a safe gun handling test and closed-book written examination.¶

(j) Biennial Renewal Training includes a four-hour biennial renewal course related to the current level of certification and in accordance with OAR 259-060-0120, 259-060-0130, and 259-060-0135.¶

(k) Private Security Firearms Instructor Marksmanship Qualification includes an annual firearms marksmanship qualification.¶

(l) Unarmed Private Security Instructor Refresher Course includes an unarmed instructor refresher update and an examination.¶

(m) Event and Entertainment Private Security Professional Refresher Course. The Event and Entertainment Private Security Professional Refresher Course provides refresher training for event and entertainment private security professionals to renew certification. This is a standalone course and does not replace the unarmed private security professional biennial renewal course.¶

(A) The Event and Entertainment Private Security Professional Refresher Course is based on curriculum approved by the Board on January 23, 2020.¶

(B) The Event and Entertainment Private Security Professional Refresher Course consists of online training and a final exam.¶

(C) Students must achieve a passing score of 100% on the final exam, with remediation.¶

(D)-The Event and Entertainment Private Security Professional Refresher Course is administered by the Department and delivered online.¶

(10) Applicants must achieve a score of 100 percent on all examinations and assessments with remediation in accordance with OAR 259-060-0136(7).¶

(11) If a certified armed private security professional or a certified private security firearms instructor fails a firearms qualification or training course, the armed private security professional or private security firearms

instructor certifications issued to that person are subject to emergency suspension ~~under OAR 259-060-0300~~ and refusal to renew under OAR 259-060-0120 and OAR 259-060-0135. 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.¶

(12) All individuals who have previously been certified or licensed by the Department as a private security provider who have not held certification or licensure for over four years must complete the appropriate basic training in its entirety.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

AMEND: 259-060-0120

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0120 identifies the training that must be completed for each private security professional certification.

This rule change transfers placement of the emergency suspension process for failure of a firearms training or firearms qualification and failure to complete training by the required due date [previously in OAR 259-060-0300] to the certification requirements for armed professionals [OAR 259-060-0120] and firearms instructors [OAR 259-060-0135]. This transfer recognizes that emergency suspensions relating to firearms training and qualification requirements are different from moral fitness denial/revocation standards and processes. There were no changes made to the existing firearms training and qualification standards or the relating emergency suspension processes. These changes support the changes to the private security provider denial/revocation standards.

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 under OAR 259-060-0300 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 DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0135 identifies the training that must be completed for each private security instructor certification.

This rule change transfers placement of the emergency suspension process for failure of a firearms training or firearms qualification and failure to complete training by the required due date [previously in OAR 259-060-0300] to the certification requirements for armed professionals [OAR 259-060-0120] and firearms instructors [OAR 259-060-0135]. This transfer recognizes that emergency suspensions relating to firearms training and qualification requirements are different from moral fitness denial/revocation standards and processes. There were no changes made to the existing firearms training and qualification standards or the relating emergency suspension processes. These changes support the changes to the private security provider denial/revocation standards.

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 under ~~OAR 259-060-0300~~ 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: 259-060-0300

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0300 is amended to specify the grounds to deny, revoke, suspend or refuse to renew an alarm monitor private security professional certification. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards. The revision includes adopting additional purpose specific rules to separate the requirements for each private security provider type and other DPSST denial/revocation processes.

A brief summary of what this rule change does -

a. OAR 259-060-0300 applies specifically to the alarm monitor private security professional certification.

b. The mandatory disqualifiers and their ineligibility periods are amended to be:

- registration as a sex offender – cannot be certified or licensed while registered - NO CHANGE;
- measure 11 crimes as defined in ORS 137.700 – not eligible until 10 years have passed since the completion of all court requirements including probation/supervision; and
- all other felonies – not eligible until 4 years have passed since the completion of all court requirements including probation/supervision.

c. The discretionary disqualifiers for alarm monitors are amended to be:

- misconduct or a criminal disposition that includes dishonesty or deceit – while certified or within the 4 years prior to certification;
- a criminal disposition for conduct that occurred while providing private security services - while certified or within the 4 years prior to certification;
- 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;
- falsification of information submitted to DPSST;
- failure to meet or comply with the statutory or rule requirements for private security providers; and
- failure to pay a civil penalty.

d. The option to refuse to renew a certification or license is added.

e. Emergency suspensions other than suspension for criminal charges are transferred to different rules.

f. The department review processes, surrender of a certification or license, and notice for contested case due process rights are all transferred to different rules.

Note: Because each private security provider certification and license type has been assigned specific discretionary moral fitness disqualifiers and timelines, an applicant or provider may be denied or revoked for some provider types and not others. Each certification and license will be considered on an individual basis.

REAPPLICATION: Through these rule changes the automatic ineligibility period and reconsideration process is removed. This means that an individual may reapply at any time following a denial or revocation. When the Department receives the application, there will be a new review to consider the violation and eligibility for certification or licensure. Reapplication requires valid training, a new application and new application fees.

CHANGES TO RULE:

259-060-0300

Denial/Suspension/RevoGrounds to Deny, Revoke, Suspend or Refuse to Renew Alarm Monitor Professional Certification

- (1) The Board, in conjunction with the Private Security and Investigator Policy Committee, is responsible for establishing the minimum standards for the licensure or certification of private security providers. This rule defines the Board's standards and the Department's procedures for denial, suspension or revocation.
- (2) The Board, in conjunction with the Private Security and Investigator Policy Committee, and the Department are the only entities with the authority to make a determination on whether or not the minimum standards for certification or licensure as a private security provider have been violated.
- (3) Mandatory Grounds for Denying or Revoking Private Security Certification or Licensure. The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, if requested, upon a finding that the applicant or private security provider:
- (a) Has been convicted of a person felony as defined by 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 Criminial Justice Commission in OAR 213-003-0001 in effect on February 3, 2014 or any crime with similar elements in any other jurisdiction;
 - (b) Is required to register as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025; or
 - (c) Has, within a period of ten years prior to application or during certification or licensure, been convicted of the following:
 - (A) Any felony other than those described in subsection (a) above or any crime with similar elements in any other jurisdiction;
 - (B) A person class A misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on February 3, 2014 or any crime with similar elements in any other jurisdiction;
 - (C) Any crime involving any act of domestic violence as defined in ORS 135.230 or any crime with similar elements in any other jurisdiction;
 - (D) Any misdemeanor or felony conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic, or dangerous drug in this or any other jurisdiction;
 - (E) Any misdemeanor arising from conduct while on duty as a private security provider; or vate 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.
 - (F) Any of the following misdemeanors or any crime with similar elements in any other jurisdiction:
 - 161.405(2)(d) (Attempt to Commit a Class C Felony or Unclassified Felony);
 - 161.435(2)(d) (Solicitation of a Class C Felony);
 - 161.450(2)(d) (Conspiracy to Commit a Class A misdemeanor);
 - 162.075 (False Swearing);
 - 162.085 (Unsworn Falsification);
 - 162.145 (Escape III);
 - 162.235 (Obstructing Governmental or Judicial Administration);
 - 162.247 (Interfering with a Peace Officer);

~~162.295 (Tampering with Physical Evidence);~~
~~162.335 (Compounding a Felony);~~
~~162.365 (Criminal Impersonation);~~
~~162.369 (Possession of a False Law Enforcement Identification Card);~~
~~162.375 (Initiating a False Report);~~
The Department must deny, revoke or refuse to renew certification as an alarm monitor professional when the Report is false;
~~162.385 (Giving False Information to Police Officer for a Citation or Arrest on a Warrant);~~
~~162.415 (Official Misconduct I);~~
~~163.435 (Contributing to the Sexual Delinquency of a Minor);~~
~~164.043 (Theft III);~~
~~164.045 (Theft II);~~
~~164.125 (Theft of Services);~~
~~164.140 (Criminal Possession of Rented or Leased Personal Property);~~
~~164.235 (Possession of Burglar's Tools);~~
~~164.255 (Criminal Trespass I);~~
~~164.265 (Criminal Trespass while in Possession of a Firearm);~~
~~164.335 (Reckless Burning);~~
~~164.354 (Criminal Mischief II);~~
~~164.369 (Interfering with Police Animal);~~
~~164.377(4) (Computer Crime);~~
~~165.007 (Forgery II);~~
~~165.055(4)(a) (Fraudulent Use of a Credit Card);~~
~~165.065 (Negotiating a Bad Check);~~
~~165.570 (Improper Use of Emergency Reporting System);~~
~~166.116 (Interfering with Public Transportation);~~
~~166.240 (Carrying of Concealed Weapons);~~
~~166.250 (Unlawful Possession of Firearms);~~
~~166.350 (Unlawful Possession of Armor Piercing Ammunition);~~
~~166.425 (Unlawful Purchase of Firearm);~~
~~167.007 (Prostitution);~~
~~167.008 (Patronizing a Prostitute);~~
~~167.062 (Sadomasochistic Abuse or Sexual Conduct in a Live Show);~~
~~167.075 (Exhibiting an Obscene Performance to a Minor);~~
~~167.080 (Displaying Obscene Material to Minors);~~
~~167.262 (Adult Using Minor in Commission of Controlled Substance Offense);~~
~~167.320 (Animal Abuse I);~~
~~167.330 (Animal Neglect I);~~
~~471.410 (Providing Liquor to a Person Under 21 or Intoxicated);~~
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 Person);
~~807.620 (Giving False Information to a Police Officer/Traffic);~~
~~811.540(3)(b) (Fleeing or Attempting to Elude Police Officer);~~
~~(4) Emergency Suspension.~~
(a) 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. ¶

(b) The Board has determined that a serious risk to public health and safety is created by allowing a person who is certified or licensed as a private security provider to continue to provide private security services once the Department has been made aware that the person has been charged with a crime that has been defined as a mandatory disqualifier in section (3) of this rule. ¶

(c) In order to mitigate the risks to public health and safety, the Department may issue an emergency suspension order pursuant to OAR 137-003-0560 immediately suspending a private security provider's certification or licensure upon finding that: ¶

(A) An armed private security professional or private security firearms instructor failed to meet the firearms qualification and training requirements defined in these rules; or ¶

(B) A person has been charged with any of the mandatory disqualifying crimes listed in section (3) of this rule. The report of a charge may be in any form and from any source. ¶

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

(e) The sole purpose of the emergency suspension hearing for an emergency suspension 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 order based upon a failure to meet the firearms qualification and training requirements will be to determine whether the individual satisfied the requirements. Upon showing that the individual has satisfied the require all resulting imprisonments, the suspension of the individual's certification will be rescinded, otherwise the suspension will remain in effect until the requirements have been satisfied. ¶

(f) The sole purpose of the emergency suspension hearing for an emergency parole, probation and post-prison suspension; order based upon the charge of a mandatory disqualifying crime will be to determine whether the individual was charged with a mandatory disqualifying crime. Upon showing that an individual was not charged with a mandatory disqualifying crime, the suspension of the individual's certification or licensure will be rescinded, otherwise the suspension will remain in effect until final disposition of the charges. ¶

(5) Discretionary Grounds for Denying or Revoking Private Security Certification or Licensure. The Department may deny or revoke the certification or licensure of any applicant or private security provider after written notice and hearing, if requested, upon finding that an applicant or private security provider: ¶

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

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

(c) Has violated any of the temporary assignment provisions of OAR 259-060-0030; ¶

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

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

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

(g) Lacks moral fitness. For ¶

(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 purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as: ¶

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

(B) Lack of Good Character. Lack of good character includes, but is not limited to, failure to be faithful and loyal to the employer's jurisdiction where the conviction occurred, and less than four years charge and failure to use discretion and compassion; ¶

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

rights and failure to respect others; ¶¶

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

(E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes a pattern of behavior which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure. ve passed since the final date of completion for all resulting imprisonment, parole, probation and post-prison supervision. ¶¶

(63) Scope of Revocation. Whenever the Department revokes the certification or licensure of a private security provider under the mandatory or discretionary grounds defined in this rule, the revocation will encompass all private security certificates and licenses the Department has issued to that person. ¶¶

(7) Denial and Revocation Procedure. ¶¶

(a) When the Department receives information from any source that a private security provider may not meet the established standards for Oregon private security providers, the Department will review the information to determine if substantial evidence exists to support denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules. ¶¶

(b) If the Department determines by a preponderance of evidence The Department may deny, revoke or refuse to renew certification as an alarm monitor professional when the Department determines that a the private security provider may have engaged in discretionary disqualifying misconduct professional or applicant. ¶¶

(Aa) The Department will seek input from the affected private security provider by allowing the individual to provide, in writing, information for review. ¶¶

(B) The Department may take action upon discovery of discretionary disqualifying misconduct when consensus is reached that the nature of the discretionary disqualifying misconduct is appropriate for summary staff disposition or administrative closure. Violated the moral fitness standards for alarm monitor professionals by: ¶¶

(Ca) If Department staff believes that a private security provider may have e Engaged in discretionary disqualifying misconduct, Department staff will review the conduct, including aggravating and mitigating circumstances. If Department staff is unable to reach a consensus to summarily dispose of or administratively close the case, the case will be presented to the Board, through the Policy Committee. ¶¶

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

(d) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license oring in conduct that includes dishonesty or deceit where the conduct occurred within the four years prior to certification under the Act or these administrative rules, the Department will prepare and serve a contested case notice on the private security provider. or while certified; ¶¶

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

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

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

(e) Response Time: ¶¶

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

(B) A party who has been served with a Contested Case Notice of Intent to Deny Certification or Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written requer than convictions constituting mandatory grounds as defined in section (2) of this rule, that includes dishonesty for hearing or a written request withdrawing their application from consideration with the Department. ¶¶

(C) A party who has been served with a Contested Case Notice of Intent to Revoke Certification or Licensure has

20 days from the date of the mailing or personal service of the notice in which to file a written request for hearing with the Department. ¶

(f) Default Orders: ¶

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, deceit where the conduct occurred within the four years prior to certification or while certified; ¶

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation. ¶

(g) Final Order: ¶

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

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

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

(8D) Appeal Procedure. Private security applicants and providers aggrieved by the findings and Order of the Department may file an appeal with the Court of Appeals from the Final Order of the Department, as provided in ORS 183.480. ¶

(9) Notwithstanding section (10) of this rule, any Engaging in conduct while providing private security applicant or provider whose certification or licensure is denied or revoked will be ineligible to hold any private security certification or licensure for a period of ten years from the date of the final order issued by the Department. ¶

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

(a) All applicants for reconsideration are required to submit a new application packet along with a Form PS-30 Application for Reconsideration. The applicant may provide any mitigating information for the consideration of DPSST, Policy Committee, and Board. ¶

(b) In reconsidering the application of an applicant whose certification or licensure was previously denied or revoked for discretionary grounds, DPSST, the Policy Committee and the Board may consider mitigating and aggravating circumstances, services that constitutes harassment, stalking, intimidation, bullying, intentional or reckless physical harm or threatening harm of a person or group of people. ¶

(c) The Board's decision to deny an application for reconsideration will be subject to the contested case procedure described under section (7) of this rule. ¶

(d) If an Falsified any information submitted on the application for reconsideration is denied, the original ineligibility date remains in effect as described in section (9) of this rule. ¶

(11) Denial, Revocation or Emergency Suspension of Private Security Certifications for Emotional Fitness. The Department may request a certified armed private security professional or private security firearms instructor, or applicant for either profession, to submit to a medical examination, conducted by an independent medical provider approved by the Department, to determine the emotional fitness of the applicant or certified fication or licensure or any documents submitted to the Department pertaining to private security provider er-tif the Department receives information from another public agency that the applicant or certified private security provider poses a serious risk to public health and safety. The Department will review the evaluation and make a

determination based on the evaluation and all other information obtained or received by the Department whether the applicant or certified private security provider poses a serious risk to public health and safety. If the Department determines that the emotional state of the applicant or certified private security provider poses a serious risk to public health and safety based on existing information, the Department shall deny the application or revoke the certification.

(c) Failed to meet or failed to comply with any provisions of this standard, evidence of a serious risk to public health and safety based on existing information, the Department shall deny the application or revoke the certification.

(a) For the purposes of this standard, evidence of a serious risk to public health and safety is defined as information that demonstrates the significant probability that a certified armed private security professional's, private security firearms instructor's, or applicant's emotional state could result in unpredictable or violent behavior that could result in the serious injury or death of another person.

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

(b4) For the purposes of this standard, receipt of information from another public agency includes information from a city, county, state, tribal or federal government entity that was obtained through the submitting entity's direct assessment of the individual's emotional or mental state, or information that the submitting entity obtained through a request for an assessment of the individual's emotional or mental state. The receipt of information does not include complaints that are forwarded to or received by the Department without any supporting documentation.

(c) The Department will contact the affected provider or applicant in writing with the request for the individual to submit to a medical examination to determine emotional fitness within 14 days of the receipt of information from another public agency.

(d) The applicant or provider will have 30 days from the date of the Department's request to respond to the Department as either willing to participate in the medical examination or refusing the medical examination. Should the affected individual not provide a response within the 30 day period, 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 refuse further medical examination by the medical provider approved by the Department, the Department may proceed in reviewing the information available and making a determination.

(e) In recognition of the impact on the affected individual's employment, the Department will make every effort to schedule the requested medical evaluation as quickly as possible.

(f) Refusal to submit to a medical examination cannot be the sole basis for a determination that the affected individual poses a serious risk to public health and safety.

(g) denial or revocation as defined in sections (2) and (3) of this rule. If the Department determines that the affected individual poses a serious risk to public health and safety, the Department will prepare and serve the private security provider with a Notice of Intent to deny or revoke certification and the Department may prepare and serve the private security provider with an Emergency Suspension Order.

(h) All orders and notices issued pursuant to this standard will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under may immediately suspend the certification pursuant to OAR 259-137-0053-0015.

(i) Response Time:

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

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

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

(j) Default Orders: If a timely request for a hearing is not received, the Contested Case Notice will become a final

~~order denying or revoking certification pursuant to OAR 137-003-0672.~~ ¶

~~(k) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.~~ ¶

~~(l) Proposed and Final Orders: In cases where a hearing is requested, proposed orders, exceptions, and fi560. 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 forders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.~~ ¶

~~(m) The denial, suspension or revocation of an individual's armed private security professional certification or private security firearms instructor certification based upon emotional fitness will not impact the individual's ability to apply for other private security provider certificates or licenses.~~ ¶

~~(n) Any application for certification as an armed private security professional or a private security firearms instructor submitted by an individual whose certification was denied or revoked based upon emotional fitness will be denied until the Department has been provided with satisfactory evidence that the applicant no longer poses a serious risk to public health and safety 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

ADOPT: 259-060-0310

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0310 is adopted to specify the grounds to deny, revoke, suspend or refuse to renew an unarmed or event and entertainment private security professional certification. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards. The revision includes adopting additional purpose specific rules to separate the requirements for each private security provider type and other DPSST denial/revocation processes.

A brief summary of what this rule change does -

- a. OAR 259-060-0310 applies specifically to the unarmed and event and entertainment private security professional certifications.

- b. The mandatory disqualifiers and their ineligibility periods are amended to be:
 - registration as a sex offender – cannot be certified or licensed while registered - NO CHANGE;
 - measure 11 crimes as defined in ORS 137.700 – not eligible until 10 years have passed since the completion of all court requirements including probation/supervision; and
 - all other felonies – not eligible until 4 years have passed since the completion of all court requirements including probation/supervision.

- c. The discretionary disqualifiers for unarmed and event and entertainment professionals are amended to be:
 - misconduct or a criminal disposition that includes dishonesty or deceit, a sexual offense, a drug offense, destruction of property, or violence, abuse or neglect against a person or animal – while certified or within the 4 years prior to certification;
 - a criminal disposition for conduct that occurred while providing private security services - while certified or within the 4 years prior to certification;
 - 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;
 - falsification of information submitted to DPSST;
 - failure to meet or comply with the statutory or rule requirements for private security providers; and
 - failure to pay a civil penalty.

- d. The option to refuse to renew a certification or license is added.

- e. Emergency suspensions other than suspension for criminal charges are transferred to different rules.

- f. The department review processes, surrender of a certification or license, and notice for contested case due process rights are all transferred to different rules.

Note: Because each private security provider certification and license type has been assigned specific discretionary

moral fitness disqualifiers and timelines, an applicant or provider may be denied or revoked for some provider types and not others. Each certification and license will be considered on an individual basis.

REAPPLICATION: The automatic ineligibility period and reconsideration process is removed. This means that an individual may reapply at any time following a denial or revocation. When the Department receives the application, there will be a new review to consider the violation and eligibility for certification or licensure. Reapplication requires valid training, a new application and new application fees.

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 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

ADOPT: 259-060-0320

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0320 is adopted to specify the grounds to deny, revoke, suspend or refuse to renew an armed private security professional or private security instructor certifications and executive or supervisory manager licenses. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards. The revision includes adopting additional purpose specific rules to separate the requirements for each private security provider type and other DPSST denial/revocation processes.

A brief summary of what this rule change does -

a. OAR 259-060-0320 applies specifically to the armed private security professional and private security instructor certifications and executive or supervisory manager licenses.

b. The mandatory disqualifiers and their ineligibility periods are amended to be:

- registration as a sex offender – cannot be certified or licensed while registered - NO CHANGE;
- measure 11 crimes as defined in ORS 137.700 – not eligible until 10 years have passed since the completion of all court requirements including probation/supervision; and
- all other felonies – not eligible until 4 years have passed since the completion of all court requirements including probation/supervision.

c. The discretionary disqualifiers for armed private security professionals, private security instructors and executive or supervisory managers are amended to be:

- misconduct or a criminal disposition 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 – while certified or within the 10 years prior to certification;
- a criminal disposition for conduct that occurred while providing private security services - while certified or within the 10 years prior to certification;
- 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;
- falsification of information submitted to DPSST;
- failure to meet or comply with the statutory or rule requirements for private security providers; and
- failure to pay a civil penalty.

d. The option to refuse to renew a certification or license is added.

e. Emergency suspensions other than suspension for criminal charges are transferred to different rules.

f. The department review processes, surrender of a certification or license, and notice for contested case due process rights are all transferred to different rules.

Note: Because each private security provider certification and license type has been assigned specific discretionary moral fitness disqualifiers and timelines, an applicant or provider may be denied or revoked for some provider types and not others. Each certification and license will be considered on an individual basis.

REAPPLICATION: The automatic ineligibility period and reconsideration process is removed. This means that an individual may reapply at any time following a denial or revocation. When the Department receives the application, there will be a new review to consider the violation and eligibility for certification or licensure. Reapplication requires valid training, a new application and new application fees.

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 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

ADOPT: 259-060-0350

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0350 is adopted to transfer the DPSST review process for private security provider certification or license denial or revocation. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards. The revision includes adopting additional purpose specific rules to separate the requirements for each private security provider type and other DPSST denial/revocation processes.

A brief summary of what this rule change does -

a. Includes the type of information that may result in a denial, revocation, suspension or refusal to renew. (This captures current processes in the rule.)

b. Adds interpretation for how the proposed rule changes will be applied.

- The proposed changes will apply to all new applicants.
- If this rule changes means that something that was not a disqualifier before is a disqualifier now, then providers who are already certified or licensed will not be revoked if DPSST already reviewed the misconduct and found it did not violate the standards in place at the time of review.
- Providers who are already certified may be denied a new type of certification or license.
- Providers who apply for renewal after the certification or license has expired may be denied renewal of the certification or license.

c. Expands the process language related to the discretionary reviews.

- Outlines preliminary notice of a review and the opportunity for the applicant or provider to submit information.
- Outlines the DPSST interpretations for aggravation and mitigation when considering the circumstances involved in a discretionary review to determine if there is an impact to eligibility for certification or licensure.

d. Changes DPSST to the sole decision making authority for discretionary denial or revocation.

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 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 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 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

ADOPT: 259-060-0360

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0360 is adopted to transfer the processes for surrendering a private security provider certification or license. OAR 259-060-0360 establishes more comprehensive guidelines for the surrender of a certification or license. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards.

CHANGES TO RULE:

259-060-0360

Surrender of a Private Security Provider Certification or License

(1) A private security provider may request the Department accept the surrender of a certification or license. The request must be submitted in writing.¶

(2) The certification or license remains in effect until the Department accepts the surrender.¶

(3) If the Department accepts the surrender, the Department will notify the private security provider of the acceptance date. The private security provider must stop providing or performing private security services from the acceptance date through the remainder of the certification or licensing period.¶

(4) If the person wants to provide or perform private security services after the acceptance date, the person must apply for a new certification or license by meeting all of the initial requirements for certification or licensure per ORS chapter 181A and OAR chapter 259 division 60.¶

(5) If the private security provider is the subject of a pending complaint or a Department investigation, the Department may accept the surrender through a stipulated order revoking the certification or licensure. The stipulated order may prohibit the person from having a private security certification or license for a specified ineligibility period.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

RULE SUMMARY: OAR 259-060-0370 is adopted to transfer the emergency suspension rules and processes regarding emotional fitness. The transfer included minor semantical revisions and different section breaks, the addition of the refusal to renew, and one deletion. The deleted text referred to the Department's effort to schedule evaluations as quickly as possible and was determined to be subjective and slightly inaccurate as the Department works with every individual on a case by case basis and sometimes the individual schedules the evaluation. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards. The revision includes adopting additional purpose specific rules to separate the requirements for each private security provider type and other DPSST denial/revocation processes.

CHANGES TO RULE:

259-060-0370

Emergency Suspension / Refusal to Renew / Denial - Private Security Certifications and Emotional Fitness

(1) The Department may request a certified armed private security professional or private security firearms instructor, or applicant for either certification, submit to a medical examination, conducted by an independent medical provider approved by the Department, to determine the emotional fitness of the applicant or certified private security provider if the Department receives information from another public agency that the applicant or certified private security provider poses a serious risk to public health and safety.¶

(2) The Department will review the evaluation and determine if the applicant or certified private security provider poses a serious risk to public health and safety based on the evaluation and all other information obtained or received by the Department.¶

(3) If the Department determines that the emotional state of the applicant or certified private security provider poses a serious risk to public health and safety based on existing information, the Department must deny the application or immediately suspend the certification.¶

(a) For the purposes of this standard, evidence of a serious risk to public health and safety is defined as information that demonstrates the significant probability that a certified armed private security professional's, private security firearms instructor's, or applicant's emotional state could result in unpredictable or violent behavior that could result in the serious injury or death of another person.¶

(b) For the purposes of this standard, receipt of information from another public agency includes information from a city, county, state, tribal or federal government entity that was obtained through the submitting entity's direct assessment of the individual's emotional or mental state, or information that the submitting entity obtained through a request for an assessment of the individual's emotional or mental state. The receipt of information does not include complaints that are forwarded to or received by the Department without any supporting documentation.¶

(4) The Department will contact the affected private security provider or applicant in writing with the request for the individual to submit to a medical examination to determine emotional fitness within 14 days of the receipt of information from another public agency.¶

(a) The applicant or private security provider will have 30 days from the date of the Department's request to respond to the Department as either willing to participate in the medical examination or refusing the medical examination. Should the affected individual not provide a response within the 30 days or refuse further medical examination by the medical provider approved by the Department, the Department may proceed in reviewing the information available and making a determination.¶

(b) Refusal to submit to a medical examination cannot be the sole basis for a determination that the affected individual poses a serious risk to public health and safety.¶

(5) If the Department determines that the affected individual poses a serious risk to public health and safety, the Department will prepare and serve the applicant or private security provider with a Notice of Intent or an Emergency Suspension Order in accordance with OAR 259-060-0380.¶

(6) The Department may refuse to renew certification as an armed private security professional or a private security firearms instructor for the grounds defined in this rule. Refusal to renew the certification will be administered in accordance with OAR 259-060-0380.¶

(7) Any application for certification or renewal as an armed private security professional or a private security firearms instructor submitted by an individual whose certification was denied or suspended under this rule will be denied or refused until the Department has been provided with satisfactory evidence that the applicant no longer poses a serious risk to public health and safety.¶

(8) The denial, refusal to renew or emergency suspension of an individual's armed private security professional certification or private security firearms instructor certification under this rule will not impact the individual's ability to apply for other private security provider certifications or licenses.

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870

ADOPT: 259-060-0380

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0380 is adopted to transfer the notice and contested case procedures for denial, suspension, revocation and refusal to renew. This is part of a complete revision of the private security provider denial/revocation processes and moral fitness standards. The revision includes adopting additional purpose specific rules to separate the requirements for each private security provider type and other DPSST denial/revocation processes.

CHANGES TO RULE:

259-060-0380

Issuance of Notice of Intent/Request for Hearing and Contested Case Procedures

(1) Upon a determination to proceed with denial, revocation, refusal to renew or suspension, the Department will prepare and serve a Notice of Intent on the applicant or private security provider.¶

(2) Response Time:¶

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

(b) A party who has been served with a Notice of Intent to Deny Certification or Licensure has 60 days from the date of mailing or personal service of the Notice to file a written request for hearing or a written request withdrawing their application from consideration with the Department. Applicants who choose to withdraw their application forfeit their application fees.¶

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

(d) A party who has been served with a Notice of Intent to Refuse Renewal has 60 days from the date of mailing or personal service of the Notice to file a written request for hearing with the Department, except when the Notice of Intent to Refuse Renewal is issued in conjunction with an Emergency Suspension Order which allows the party 90 days from the date of mailing or personal service to file a written request for hearing with the Department.¶

(e) A party who has been served with a Notice of Intent to Suspend has 20 days from the date of mailing or personal service of the Notice to file a written request for a hearing with the Department.¶

(3) Default Orders: If the Department does not receive a timely request for a hearing, the Notice of Intent will become a Final Order denying, suspending, revoking or refusing to renew certification or licensure pursuant to OAR 137-003-0672.¶

(4) Hearing Request: If the Department receives a timely request for a hearing, it will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.¶

(a) The sole purpose of the emergency suspension hearing for an Emergency Suspension Order issued based upon the charge of a crime that is grounds for denial or revocation as defined in OAR 259-060-0300, OAR 259-060-0310 or OAR 259-060-0320 will be to determine whether the individual was charged with the crime. The Department will withdraw the Emergency Suspension Order upon receipt of information showing that the private security provider was not charged with the crime.¶

(b) The sole purpose of the emergency suspension hearing for an Emergency Suspension Order issued based upon a failure to meet the firearms qualification and training requirements as defined in OAR 259-060-0120 and OAR 259-060-0135 will be to determine whether the individual satisfied the requirements. Once the Department has received and accepted proof of satisfactory completion for the training requirements, the Department will withdraw the Emergency Suspension Order.¶

(5) When a hearing is requested Proposed Orders, Exceptions and Final Orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

Statutory/Other Authority: ORS 181A.870

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

AMEND: 259-060-0600

NOTICE FILED DATES: 02/25/2020, 03/31/2020

RULE SUMMARY: OAR 259-060-0600 identifies the forms provided by DPSST for the private security provider certification and licensure program.

This rule change deletes the Form PS-27 which is the Code of Ethics form. This change is a result of the amended definition of a moral fitness violation [see also OAR 259-060-0300, 259-060-0310 & 259-060-0320] and the amendments to the moral fitness/core values language in OAR 259-060-0020. Deleting the use of the form does not change the requirement for an applicant or provider to meet the moral fitness standards. Deleting the use of the form does not change DPSST's ability to deny, suspend, or revoke an applicant or provider for violating the moral fitness, or any other, certification or licensure standards. As a part of this rule change package, the application form will be updated to include a signed acknowledgment of the requirement to meet the moral fitness standards established by the Board.

The amendments to the moral fitness and denial/revocation standards also resulted in the deletion of the 10 year reapplication ineligibility period and reconsideration process for discretionary disqualifiers. This rule change includes deletion of the Form PS-30 — Reconsideration Application for Private Security Services Providers.

This is a supporting rule change for the changes to the private security provider moral fitness and denial/revocation standards.

CHANGES TO RULE:

259-060-0600

Forms ¶¶

The Department utilizes the following forms:¶¶

- (1) PS-1 - Application for Licensure or Certification of Private Security Services Provider.¶¶
- (2) PS-3 - Private Security Order Forms Sheet.¶¶
- (3) PS-6 - ~~{Affidavit of Instructor and Private Security Provider Testing Results}.¶¶~~
- (4) PS-7 - Private Security Instructor Evaluation.¶¶
- (5) PS-8 - Private Security Instructor Continuing Education.¶¶
- (6) PS-9 - Private Security Waiver for Reciprocity.¶¶
- (7) PS-20 - Private Security Services Provider Temporary Work Permit.¶¶
- (8) PS-21 - Renewal of Private Security Services Licensure or Certification.¶¶
- (9) PS-23 - Private Security Services Provider Change of Information.¶¶
- (10) PS-24 - Executive Manager Information Form.¶¶
- ~~(11) PS-27 – Private Security Code of Ethics.¶¶~~
- ~~(12) PS-30 – Reconsideration Application for Private Security Services Providers.¶¶~~

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

Statutory/Other Authority: ORS 181A.870

Statutes/Other Implemented: ORS 181A.870