



Ohio Private Investigation & Security Services Commission (OPISSC) October 23, 2014, Minutes

Commission Meeting Date and Location: October 23, 2014, Ohio Department of Public Safety (DPS), 1970 W. Broad Street, Columbus, Ohio 43223

Commission Members Present: Mr. Rodney Armstrong, Mr. Jay Beighley, Mr. Dennis Deskins, Mr. Dwight Holcomb, Mr. Bryan Kirk, Mr. Anthony Macisco, Mr. Ted Owens, Mr. Joseph Montgomery for Mr. John Born, Mark Wasylyshyn

Commission Members Absent: Mr. Ralph Portier, Mr. Pride, Mr. Brian Simms

Also Attending: Aleta Dodson, Geoff Dutton, Christy Clark, Julie Faulconer, Jim Hogan, Eric Richmond, Andrew Spencer

Visitors Attending: Terry Myer, Jason Bricking

Mr. Rodney Armstrong, Chair, called the meeting to order at 1:02 PM.

ROLL CALL:

Mr. Armstrong	Here	Mr. Macisco	Here
Mr. Beighley	Here	Mr. Owens	Here
Mr. Montgomery for Mr. Born	Here	Mr. Portier	
Mr. Deskins	Here	Mr. Pride	
Mr. Holcomb	Here	Mr. Simms	
Mr. Kirk	Here	Mr. Mark Wasylyshyn	Here

A quorum was present to conduct business.

ACTION: Motion to approve the meeting minutes for September 25, 2014. Holcomb moved. Macisco second. None abstained. None opposed. Motion approved.

STAFF REPORTS

Director Dutton reported that the five year rule review was a long, arduous process, and the final step was meeting with the Joint Committee on Agency Rule Review (JCARR), who approved the rules. One change in the rules of interest to the industry is the \$100 branch license renewal fee was eliminated (initial branch license application fee remains \$100). Mr. Dutton said it was educational to watch the proceeding because another agency had to answer questions regarding their rule changes. If the proposed PISGS legislation goes through, JCARR could question the changes. Director Dutton introduced himself to Senator LaRose, JCARR member, who remains interested in sponsoring the PISGS legislation as long everyone is unified.

Enforcement Unit: Christy Clark reported for the month of October that there were 17 law enforcement contacts, 153 compliance checks, 2 violation notices issued, and 52 criminal charges filed. The 52 charges were filed at the Dayton Municipal Court for 4749.13, unlicensed activities. The prosecutor charged four individuals for every day of working unlicensed. Other items of note include:

- Justin Wissinger and Christopher Tarbit entered guilty pleas to involuntary manslaughter and abduction for the March 2012 Dayton shooting incident and death of Dante Price while working for Ranger Security.
- Director Dutton, Investigator Borntrager and Ms. Clark attended the Homeland Security monthly classified briefing. PISGS information will be in the mall Security Situational Awareness conference packets.
- Director Dutton and Ms. Clark discussed fracking sites with Rick Simmers of the Ohio Department of Natural Resources. Many fracking companies are coming to Ohio and bringing their own security. PISGS wants to educate them on Ohio's laws and rules so they know what is required to operate in Ohio.
- On October 8th, Director Dutton and Ms. Clark met with the Ohio Department of Insurance regarding bail bond agents. Several agents in the Toledo area are acting as armed security, but are not licensed to do so.

Director Dutton updated the commission on the Active Shooter Training exercise being planned for the Polaris Mall with Mr. Deskins. Once this exercise is established, there will be opportunity to create a template for other malls around the state to use for training. Mr. Wasylyshyn expressed concern why OPISSC was doing this and why local police wouldn't take the lead. Per Director Dutton, the exercise will take place in Delaware County with local law enforcement and fire departments, as well as Ohio Department of Public Safety divisions (Homeland Security, EMA and PISGS). Mr. Montgomery said funding is through an EMA grant and suggested others interested contact their local EMA or FEMA for possible grant monies. It was clarified that the table top exercise was initiated by Public Safety, not OPISSC, to form a private/public sector partnership and Mr. Deskin's company is involved as the security factor. Mr. Montgomery spoke on behalf of Public Safety Director Born and said the vision is to look at public safety in a more holistic fashion. Security guards are the front lines at many businesses and schools throughout the state and there is more information sharing that can take place between law enforcement and the industry. Director Dutton and Christy Clark are attending classified briefings at the fusion center and will filter certain information to the security industry.

Licensing Unit: Aleta Dodson reported that the Class A and B OPISSC vacancies have not yet been appointed. Regarding the database, the ability to add a new QA online was deployed on October 1st and veteran information was added as required by House Bill 488 that goes into effect at the end of the year.

On October 21, the system deployed assigning one permanent registration number to new registrants. This feature was added in anticipation of when portability goes into effect. Each registrant will have one number assigned to them for life. Chairman Armstrong asked if the one number assigned for life was only as long as they stayed currently registered; would a new number be assigned if the registration expired. Ms. Dodson said the number will stay the same.

Committee Reports: Chairman Armstrong addressed the committee appointments. He was contacted by people interested in serving on a committee and reviewed the candidates' information with the Commission. Currently there are six members on the training committee and Chairman Armstrong said s the new law moves forward, the training committee will be the most active and need the most input. Mr. Kirk thinks those with a history in law enforcement will be very beneficial to the committees.

ACTION: Motion to appoint Glenn Mueller, Michael Myers, Thomas Kelly, and Stephen Smith to the OPISSC training committee. Wasylyshyn first. Kirk second. None opposed. Motion passed.

ACTION: Motion to place Wasylyshyn on the OPISSC legislative committee. Kirk first. Deskins second. None opposed. Motion passed.

Mr. Montgomery said the Ohio Revised Code permits for the payment of travel expenses for commission members, but not non-commission committee members. Chairman Armstrong will inform committee members.

OLD BUSINESS

Ohio Revised Code (ORC) 4749 Rewrite

Items discussed were:

Line 1401: Mr. Wasylyshyn wants to clarify that a law enforcement officer is exempt from a registration if they're within their jurisdiction. If they work outside their jurisdiction, they have to have the permission of their chief or sheriff, and they also have to have permission of whomever's jurisdiction they're in. Mr. Kirk said that is correct.

Line 1464: Mr. Wasylyshyn said county engineer was crossed out and wondered what was the reason for the strike-out. Mr. Spencer didn't know, but suggested LSC was cleaning up language. Chairman Armstrong said many titles were eliminated through the legislative committee and perhaps this item was missed, but struck out now. Director Dutton will check on this.

Line 1951: Mr. Wasylyshyn said a new applicant gets a background check, but when they renew, the look back is just the prior period to deny someone a renewal. That is new language and wondered if it is unduly tying the director's hands. Per Mr. Spencer, this could be due to the collateral sanctions bill and would check on it. Mr. Wasylyshyn said if it doesn't have to be there, it should be removed.

Line 2130: Mr. Wasylyshyn said it used to be that a security business was required to let the police chief and sheriff know they were in business in their jurisdiction, but it was struck out. Members agreed that notifying law enforcement is common sense and good business practice, but doesn't want it in law.

Line 1451: In regard to requiring a license to do genealogy research, Mr. Beighley read the law is changing in March and those records will become open and didn't think a license would be needed. A discussion regarding the difference of researching an open record for oneself or being hired to provide the research took place. If the open record law becomes effective in March, this line in the ORC rewrite would need eliminated. The commission agreed to let the current language stand, research the open records law, and address the matter later.

Mr. Beighley thought there was a provision in current law that if you are a conceal carry weapon (CCW) permit holder, that you are exempt from registering as a firearm bearer (FAB). Ms. Clark said PISGS doesn't recognize CCW; a person must have the OPOTA course and FAB registration. Several members explained that a big part of the rewrite deals with the FAB qualifications, requirements, and training.

Mr. Spencer explained the next steps in the legislative process. Once agreed upon, he will forward it to the Legislative Service Commission (LSC). Once a clean draft is available, Chairman Armstrong, Director Dutton and he will meet with Senator LaRose to give him a brief overview. The senator will give it a bill number and introduce it on the floor and to the Public Safety Committee. The senator can put together a co-sponsor request to his colleagues in the Senate. Members had concern regarding the timeline; Mr. Spencer would call Senator LaRose to see what the upcoming session schedule will be. He said the industry, PISGS, and the Department need to be in agreement in order to get it moving; any changes will slow the process. If it doesn't go through the general assembly, it could be included with Public Safety in the transportation budget.

The members decided further review is needed before voting and agreed to schedule a November meeting.

ACTION: Motion to table the vote until the next meeting, November 6th. Kirk first. Holcomb second. None opposed. Motion passed.

Director Dutton added that when the rewrite goes through, there will need to be a discussion regarding the implementation date of these changes. Mr. Kirk requested that when Ms. Dodson sends out the meeting notification to members to include the importance of attending since this meeting is strictly for the purpose of voting the ORC through. Members agreed to submit their comments on-line before the meeting.

Chairman Armstrong said most of the issues experienced at his business regarding registrant photos have been internal and asked if the state noticed any improvements. Director Dutton said the staff met several times to ensure consistency in accepting and rejecting photos, created step-by-step instruction sheet on how to successfully upload a photo as well as an instruction sheet that provides tips for fixing problems if the photo was rejected. Members liked the information and Director Dutton will post to the website. Ms. Dodson added there aren't issues with paper application photos since it is physically cut to the 2 x 2 size. Mr. Owens asked if the new ID cards could be issued to the QA's first. Mr. Dutton said IT is following a logical order in rolling out enhancements. New cards may be available for issue in the spring and photo quality will need emphasized.

NEW BUSINESS

Chairman Armstrong said he had several companies tell him several registrants did not show up on the renewal notice to the provider. Ms. Dodson and Director Dutton were not aware of this issue and Chairman Armstrong said he would provide the company names so PISGS can research the issue.

Mr. Owens said firearm academy commanders said it takes ten business days for a check to clear the BCI finance department which delays the requalification/renewal of FABs. Mr. Kirk said in 2014, laws were changed pertaining to what information could be released on expungement that slowed BCI down and said to allow six weeks to get results. Members discussed ways to expedite the process. Ultimately it is the individual's responsibility to requalify and should not wait until the week before expiration. Mr. Owens asked why it costs private security \$25 more than law enforcement to shoot. After discussion it was determined that the legislative rewrite will fix many of the issues. Director Dutton put an announcement out through the online system today reminding people to requalify well in advance of expiring. Director Dutton understands the industry's frustration, but issuing an FAB is a big responsibility. PISGS can't tell OPOTA what to do, and by law, PISGS can't issue the FAB without the certification. He will set up a meeting with OPOTA do discuss the process.

On a BCI related topic, Director Dutton told members there are instances where people are not having the background check results sent directly to PISGS, which results in a delay. Ms. Clark explained that there is a coupon on the PISGS website (hand-out) and the person must tell the web check operator to send the results via direct copy to PISGS. Clean results are sent electronically to PISGS within 48 hours, match automatically, and the wallet card is printed the next day. The process is delayed when the results are sent to the companies or if a hit is indicated. Using direct copy will eliminate delays.

Mr. Wasylyshyn thought the OPISSC meeting dates used to alternate from Tuesday to Thursday and wondered if it might be why members missed today's meeting. Ms. Dodson said Thursdays were selected for consistency to help people remember the dates, but will check their preference. Mr. Kirk reminded the members that they are required to attend 60% of the meetings each year. Discussion was tabled until the November meeting. Ms. Dodson said by law, the commission only has to meet four times a year.

Mr. Myer offered his services to the legislative committee as he was voted in as vice president of The National Council of Investigation and Security Services, whose advocacy hub is in D.C.

The next OPISSC meeting is scheduled for 1:00 on November 6, 2014, at 1970 West Broad Street, Columbus, 43223 in conference room 134.

ACTION: Motion to adjourn. Wasylyshyn first. Owens second. The meeting adjourned at 2:58 p.m.